

# Guide for Local Administration of Virginia Department of Transportation Projects



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**Please be advised that minor changes to this document are possible – please consult the latest version of the GUIDE on VDOT's LOCAL ASSISTANCE web page – [www.vdot.virginia.gov/business/local-assistance.asp](http://www.vdot.virginia.gov/business/local-assistance.asp)**

**GUIDE FOR LOCAL ADMINISTRATION OF  
VIRGINIA DEPARTMENT OF TRANSPORTATION  
PROJECTS**

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# **GUIDE FOR LOCAL ADMINISTRATION OF VIRGINIA DEPARTMENT OF TRANSPORTATION PROJECTS**

## **I. INTRODUCTION**

Various sections of the Code of Virginia provide localities the opportunity to administer projects financed by the Virginia Department of Transportation (VDOT):

- §33.1-12 allows the Commonwealth Transportation Commissioner to enter into agreements with localities, authorities, and other organizations in order to improve and maintain Virginia's transportation system.
- §33.1-75.1 allows counties to administer Revenue Sharing projects under certain circumstances.
- §33.1-75.3 allows counties to administer primary highway and secondary highway projects.

When a locality chooses to take advantage of this opportunity, it must adhere to Commonwealth Transportation Board (CTB) policies and procedures, as well as federal regulations when federal funds are included in the project funding. Compliance with state and federal requirements is a legal obligation.

For all locally administered projects, a project administration agreement is required between the locality and VDOT. This agreement spells out the terms for a locality to administer a specific project. Initiation of local administration of a project begins with the submission to and approval by the Chief Engineer of a [Request To Administer](#) (RTA) form. Upon approval of the RTA, the VDOT Urban Program Manager/Project Coordinator and the Local Assistance Division (LAD) working with the locality begin the preparation of a [project administration agreement](#). The preferred project administration agreement is the **Standard Project Administration Agreement (Super Agreement)** which can be used for all locally administered projects regardless of fund source. This standard agreement has been approved by the Office of the Attorney General for this purpose and its use does not require additional approvals unless modifications are made. This agreement includes an Appendix in which project specifics are detailed including an estimate of applicable VDOT project oversight charges. Copies of the RTA form and the **Standard Project Administration Agreement (Super Agreement)** are found in Appendix A of this document.

On occasion VDOT's standard agreement may not be adequate. In those few cases, a custom agreement can be prepared, but the locality should be aware that due to additional reviews by the local program manager and district staff, central office staff and the Office of the Attorney General, final approvals take longer.

Localities should be aware that any work conducted prior to the execution of a project administration agreement between the locality and the department is not eligible for reimbursement.

This Guide has been developed by the Virginia Department of Transportation (VDOT) - Local Assistance Division (LAD) to provide background information, direction, and requirements to those localities choosing to administer projects. VDOT has also established a Local Partnership Team (LPT) that provides guidance and training on key aspects of locally administered projects. The LPT has established a website with information and tips that may be useful and can be accessed at [www.virginiadot.org/business/local-assistance-lpt.asp](http://www.virginiadot.org/business/local-assistance-lpt.asp) . LAD should be contacted with program level questions or comments. Information on specific project funding programs can be found on the LAD website at <http://www.virginiadot.org/business/local-assistance.asp>. Project specific questions should be directed to the VDOT Project Coordinator assigned to the project. A Project Coordinator is the VDOT official who serves as the locality's primary contact for a particular project and generally works at the local VDOT District office. [Contact information](#) for VDOT officials who may be involved in the various phases of a project is included in Appendix B of this document.

These guidelines are separated into the three major phases of a normal project – preliminary engineering (PE), right of way (RW), and construction (CN). They are further separated, as appropriate, into a discussion of federally funded and state funded only projects by subject matter. These guidelines are not meant to stand alone. The user is encouraged to read these guidelines, consider them in their entirety, and to seek further guidance or assistance as necessary either through the references listed, by contacting the VDOT Project Coordinator, or by contacting LAD. An outline of the Summary of Requirements for administering a project is included in Appendix C. Appendix D is a flow chart depicting the likely steps for a one-hearing process for federal project development. Appendix E is a [checklist for locally administered projects](#). The VDOT Project Coordinator will identify those items in the checklist applicable to the project after the project agreement has been executed. The locality will check off the applicable items documenting that they have been completed. The checklist should be completed as milestones are achieved as it may need to be submitted to the project coordinator upon request. Upon completion of the project the checklist must be signed by the locality representative and made a part of the project file. The checklist applies to all projects, however items which are italicized are not necessary for projects funded with 100% state funds. The checklist is mandatory for federal projects and strongly recommended for state funded projects.

It should also be noted that many of VDOT's programs have a local match component which varies with the program type. All funding sources and match requirements will be detailed in the agreement appendix. There are also additional specific guidance documents for projects funded through special programs such as the [Enhancement Program](#) and [Urban Program](#). These programs have procedures that may differ from those outlined in this Guide and project sponsors undertaking Enhancement Projects or Urban Projects are directed to consult those specific manuals. Any applicable special funding program guidelines will be identified in the Appendix of the agreement.

This Guide will be periodically updated as more experience is gained by VDOT and localities in administering local projects. The most current version will be available on VDOT's Website. The latest version of these guidelines should always be consulted prior to initiating a project.

## II. PROGRAMMING FUNDS AND FEDERAL OBLIGATION

Ensuring that a project is funded appropriately and included in all required financing plans as well as the locality's Comprehensive Plan and Capital Improvement Plan is essential for avoiding unnecessary project delays. The locality is responsible for coordinating with VDOT so that the project's correct phase is included in the approved State Transportation Improvement Plan (STIP), and where appropriate, in the Metropolitan Planning Organization's (MPO's) Financially Constrained Long Range Transportation Plan and in the MPO's Transportation Improvement Program. It must also be included in either the Secondary Six-Year Plan (SSYP) or the [CTB's Six Year Improvement Program \(SYIP\)](#).

Most federal funds have expiration dates for their obligation , which means that the funds will lapse at a specified time, typically three years after the year the funds are first allocated by Federal Highway Administration (FHWA). When a particular phase of a federal project is authorized by agreement with FHWA, all of the project funding associated with that authorization is considered obligated even though the funds have not been spent. However, in accordance with 23 CFR Part 630 (January 31, 2006 Federal Register), projects with unexpended balances that have been inactive for extended periods of time, will be flagged and may have their federal funds de-obligated to ensure federal funds are being utilized.

It is incumbent on each user of federal funding to implement projects in a timely manner in order to prevent a lapse of funding. A lapse of funding in any locality may have a detrimental effect on the entire state. For example, a state that does not expend its original federal apportionment in any area is not eligible for additional federal discretionary funds.

The standard project administration agreement states that the locality will attempt to obligate all Federal funds within three years of allocation. The locality, in consultation with VDOT's Project Coordinator, should prepare a project schedule and timeline reflecting the obligation of funds within the three year time frame. In cases where a locality may not be able to complete a project phase in time to obligate its federal allocation for the appropriate phases within the three-year period, a letter should be sent to VDOT's Project Coordinator outlining the reasons and the amounts involved. If the current year's obligation schedule cannot be met, the locality is expected to work with VDOT to identify an acceptable replacement project to obligate the funds in order to ensure that VDOT meets its federal obligation commitment. Early coordination with VDOT regarding potential obligation issues is critical.

To assist in programming and obligating funds, good initial cost estimates are important. Localities administering VDOT projects are provided access to the external Project Cost Estimating System (PCES) and shall provide updates of estimates every 90 days.

### III. PRELIMINARY ENGINEERING

#### A. Project Initiation & Authorization

##### **Federally Funded Projects**

Before a locality can initiate work on the Preliminary Engineering (PE), Right of Way (RW), or Construction (CN) Phase for federally funded projects, it must contact the VDOT Project Coordinator to formally request that VDOT obtain a federal agreement to obligate funds for a particular phase of work and to receive authorization to proceed with the project. No work should proceed prior to federal authorization approval or federal participation will be jeopardized.

The locality must submit the amount of funding to be placed under agreement for a particular phase, and if it is different from that shown in the SSYP/SYIP, an explanation must be included in the submission. This explanation shall include a listing of proposed sources for any additional funding.

Once a request containing all of the required information noted above is submitted, a normal federal agreement takes 30 business days to complete. It is important that the locality **not** incur any expenses until authorization from the FHWA is received by VDOT. **This same process needs to be repeated to obtain federal authorization for each new phase.** Localities need to be cognizant of whether a locally administered project is a "Federal Oversight" project or not, as these types of projects will have additional FHWA oversight requirements.

For **urban projects**, initiating PE on a project requires submission of a copy of the municipality's programming resolution asking VDOT to establish the project and committing the municipality's local match, if such match is required. A [sample project resolution](#) is included in Appendix F. A resolution that includes all of a municipality's projects may be submitted in lieu of individual project resolutions.

If a locality desires to pursue a project under the **Design-Build** concept or the **Public Private Transportation Act (PPTA)**, there may be requirements that differ from those in this guide. In these cases, the Project Coordinator should be contacted before initiating a project under either of these scenarios. Additional information on Design-Build is available in VDOT's [Design-Build Procurement Manual](#) available on the VDOT web site. Additional assistance is available in the PPTA guidelines on the [Innovative Project Delivery](#) Division website.

**Intelligent Transportation System (ITS)** projects need to adhere to federal standards when federal funds are utilized. FHWA Rule 940 provides policies and procedures pertaining to conformance to the National Intelligent Transportation systems Architecture and Standards. The rule states that all ITS projects funded with federal funds shall be based on a systems engineering analysis consisting of seven required elements. More information on ITS requirements can be found at: [http://ops.fhwa.dot.gov/its\\_arch\\_imp/docs/20010108.pdf](http://ops.fhwa.dot.gov/its_arch_imp/docs/20010108.pdf)

Federal Reference – 23 CFR 630 and 23 CFR 627  
23 CFR 655 and 940

### **State Funded Only Projects**

For projects funded exclusively with state allocations, receipt of a federal agreement is not necessary and STIP inclusion is only required for regionally significant projects in designated air-quality non-attainment/maintenance areas. Allocations for projects must be programmed in the appropriate manner (either included in the SSYP, SYIP, revenue sharing plan, or CTB resolution). A request for PE authorization must be submitted to the VDOT Project Coordinator, and the locality must not incur project costs until state authorization is received. A project programming resolution is still required for municipalities.

State Reference – §§ 51.5-40 and 33.1-18 of the Code of Virginia

## **B. Environmental Processes**

### **Federally Funded Projects**

A detailed discussion of [environmental requirements](#) for federally funded projects is included in Appendix G. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements by project type. Localities are urged to consult the website for the most current requirements.

<http://www.virginiadot.org/business/bu-environmentalRequirements.asp>

### **State Funded Only Projects**

A detailed discussion of [environmental requirements](#) for state funded only projects is included in Appendix G. In addition, VDOT's website provides additional guidance and technical assistance on environmental requirements by project type. Localities are urged to consult the website for the most current requirements.

<http://www.virginiadot.org/business/bu-environmentalRequirements.asp>

## **C. Consultant Procurement**

### **Federally Funded Projects**

A locality may decide to augment its staff by procuring a professional services consultant. The locality, as the recipient of the state or federal funds, is responsible for adhering to all applicable federal and state requirements, including state and federal procurement and civil rights laws. It is recommended that the VDOT project coordinator be consulted during consultant procurement to ensure that all requirements are met. VDOT's Civil Rights Division must be given the opportunity to review a Request for Proposal prior to its release. A pre-award audit, to include a Federal Acquisition Regulation audit (FAR) is required prior to award for consultant services valued over \$30,000. VDOT will also review the consultant qualifications and scope of services for environmental work prior to award (see Appendix K for additional details). VDOT is available to assist in consultant selection if requested. VDOT's [Manual for the Procurement and Management of Professional Services](#) has been approved by FHWA and the process outlined by the manual shall be utilized by



a locality when procuring such services. If a locality elects to develop and utilize its own procurement guidelines, they must be pre-approved by VDOT and subsequently by FHWA.

Federal Reference – 23 CFR 172

#### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – Virginia Public Procurement Act - Chapter 43, Section 2.2 of the Code of Virginia

### **D. Value Engineering**

#### **Federally Funded Projects**

Federal regulations outline requirements for value engineering (VE) studies and the Code of Virginia requires a VE study on all projects exceeding \$5 million in construction cost. The locality may manage the VE process with the support of VDOT staff; however, since VDOT is responsible for conducting these studies, all reports must be submitted to VDOT and the final decision as to which recommendations are incorporated into the final plans is made by the Chief Engineer.

Federal Reference – 23 CFR 627

#### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – §33.1-190.1 of the Code of Virginia

### **E. Location Approval**

#### **Federally Funded Projects**

State law requires the CTB to approve all **new** road alignments. In these cases CTB design approval is not required. VDOT will be responsible for coordination with FHWA where needed. VDOT's [\*Public Involvement Policy and Procedure Manual\*](#) details the format and the type of information to be submitted in order for the CTB to evaluate such requests.

The CTB meets on the third Thursday of those months in which it holds a meeting, so the length of time required to get a decision will depend on when in the month the information is received and whether or not the CTB is holding a meeting that month. A [schedule of meeting dates](#) for the Commonwealth Transportation Board is available on VDOT's Internet site. The locality's recommendation, including resolutions and public hearing transcripts shall be submitted to VDOT no less than two months prior to the CTB meeting where the matter is to be considered. The locality should arrange to have a representative present at the CTB meeting at which

location approval is being considered in order to answer any questions which may arise.

Federal Reference – 23 CFR 771

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – §§ 33.1-12 and 33.1-18 of the Code of Virginia

## **F. Plan Development and Review**

### **Federally Funded Projects**

The locality must design a project so that it meets the appropriate minimum standard: work on facilities that will be maintained by VDOT shall meet or exceed VDOT standards, whereas work on facilities that will be maintained by the locality shall meet American Association of State Highway and Transportation Officials (AASHTO) or appropriate supplementary standards as may be agreed upon by VDOT and, when applicable, FHWA. A locality may develop different standards and specifications which meet or exceed VDOT or AASHTO standards; however, before they can be utilized for VDOT and/or Federally funded projects they shall be reviewed and approved by VDOT and, when applicable, FHWA. The locality shall ensure that design flexibility does not jeopardize safety and mobility.

VDOT is committed to accommodating bicyclists and pedestrians, including pedestrians with disabilities, along with motorized transportation modes in the planning, funding, design, construction, operation, and maintenance of Virginia's transportation network to achieve a safe, effective, and balanced multimodal transportation system. The Commonwealth Transportation Board policy on pedestrian and bicycle accommodations states that all highway projects will be initiated with the presumption that the projects shall accommodate bicycling and walking. The locality shall consider bicycle/pedestrian accommodations at the scoping meeting in accordance with VDOT CTB Policy and shall document such consideration as a part of the project file. Resources and guidance documents regarding bicycling and pedestrian facilities can be found on VDOT's external web site at <http://www.virginiadot.org/programs/bk-default.asp>.

VDOT is required by FHWA to certify that all plans have been developed in accordance with applicable federal and state laws and regulations. To accomplish this, VDOT's Project Coordinator should, at a minimum, attend the project scoping meeting and pre-advertisement conference to gain an understanding of the project and to offer advice, guidance, and consultation. Generally, plans should be reviewed by VDOT prior to the public hearing, before right of way acquisition, and prior to advertisement, or at, approximately, the 30%, 60% and 90% plan development stages, to eliminate any potential conflicts. For projects of significant complexity or with ADT's > 10,000 vpd, there are typically five milestone meetings during VDOT's project development process: a scoping, a preliminary field inspection, a public

hearing team meeting, a field inspection, and a pre-advertisement conference. The scope and complexity of the project will drive the number of reviews and milestone meetings that are necessary. The locality project manager and the VDOT project coordinator will, together, make the final determination regarding the number of reviews and project meetings. All but the simplest projects should incorporate constructability reviews at the appropriate stages of plan development. Location and Design Division's [Informational and Instructional Memorandum 216.6 "Locality Designed Projects"](#) and 226.2 "Preliminary Engineering Project Development Process" provides further guidance on design development and plan coordination and should be consulted.

Reviews focus on relative completeness of the plans, comprehensiveness, constructability, biddability and adherence to sound engineering practices and principles. They will not focus on format or presentation preferences. VDOT will not be looking at "format" issues, per se, but will closely examine the plans to make sure they are adequate for use during advertisement and construction of the project. At project milestones which require review by the VDOT Project Coordinator, the locality shall submit to VDOT a copy of bridge and road plans in an electronic format (tag image files-".tif") to facilitate the review process. To facilitate plan review, all plans submitted need to include completed form [LD 436](#).

VDOT has a number of manuals available through its web site, using the business networks tab, which would be helpful and should be consulted during project design. A [list of these publications](#) is included in Appendix H. As previously mentioned, [a checklist](#) depicting the steps necessary for project development for locality projects is included in Appendix E.

In addition, VDOT has policies and procedures regarding lighting, underground installation of utilities, and landscaping, in reference to plan development noted in [Appendix H](#). Exceptions to these policies and procedures, if not in conflict with specific legal requirements, may be granted by VDOT on a case-by-case basis.

For projects that are expected to utilize federal BR (bridge) funding, sufficient information must be submitted to VDOT early in the design process so that a preliminary determination of bridge touchdown points can be made. Once finalized, the bridge limits/touchdown point determination is used for calculating federal BR funding and the assignment of bridge job numbers to projects.

### **State Funded Only Projects**

Same as for Federally Funded Projects, except for references to federal certification requirement and federal locality design standards and specifications approval – please see above.

## **G. Design Exceptions**

### **Federally Funded Projects**

For various reasons, it occasionally becomes necessary to pursue an exception to minimum AASHTO or state standards.

When an exception is needed, the locality shall submit a request to VDOT's State Location and Design Engineer or the State Structure and Bridge Engineer as appropriate on [Form LD-440](#), included in Appendix I, through the Project Coordinator. The request should include reasons and justifications for the exception. Reference [IIM-LD-227.1](#), which discusses requirements for processing design exceptions. Approval from the FHWA is required for design exceptions for National Highway System projects and for federal oversight projects. All approved design exceptions shall be shown on the plan assembly title sheet.

Federal Reference – Title 23, US Code 109 and 23 CFR 625

### **State Funded Only Projects**

Same as for Federally Funded Projects, except for FHWA approval – please see above.

## **H. Public Involvement**

### **Federally Funded Projects**

Each locality is responsible for ensuring that the opportunity for public involvement is provided in accordance with the Department's ["Public Involvement Policy and Procedure Manual."](#) The term "public involvement" is meant to be all-encompassing including those instances where a willingness notice is justified. Some projects will require a two-hearing process while others may only need one hearing. [Department Policy Memorandum \(DPM\) 1-11](#), which is based on the Code of Virginia, details which types of public hearings are required for which projects.

Federal Regulations require each state to have procedures approved by the FHWA to carry out a public involvement/public hearing program. This requirement includes submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered. The transcript must be accompanied by copies of all written statements from the public, both submitted at the public hearing and during an announced period after the public hearing, along with the locality's response to the public's questions and statements. These requirements are covered in VDOT's ["Public Involvement Policy and Procedure Manual."](#) Appendix G of the Public Involvement Procedure Manual includes several checklists that should be used to assist in ensuring that procedures are followed.

Federal Reference – 23 USC 128, 23 CFR 771, and 40 CFR parts 1500 through 1508

### **State Funded Only Projects**

Same as Federally Funded Projects, except transcript and certification submission to FHWA – please see above.

State Reference – §§ 51.5-40 and 33.1-18 of the Code of Virginia

## **IV. RIGHT OF WAY**

Right of Way and utility activities for VDOT projects that are locally administered shall comply with Volumes I and II of the *Manual of Instructions, Right of Way and Utilities Division* and the Uniform Relocation Act unless the locality develops its own manual and that manual receives approval from VDOT and the FHWA.

### **A. Right of Way Authorization**

#### **Federally Funded Projects**

When the locality is ready to initiate the RW phase for a federal project, a request shall be submitted to VDOT's Project Coordinator. The locality will need to submit an original title sheet with proper VDOT signature block, copies of final right of way plans, the information necessary for VDOT to complete the environmental re-evaluation, a cost estimate, the cost for utilities (broken down by utility company for cost accounting purposes) as developed through the use of PCES and, if additional funds are needed other than those shown in the SSYP or SYIP, a source for these funds needs to be identified. By signature of a person of responsible charge from the locality, the locality certifies on the title sheet of the plans that the plans are complete for the acquisition of rights-of-way and the relocation of utilities.

VDOT's Project Coordinator will then initiate the RW evaluation process and the District RW and Utilities Manager will contact the locality's Project Manager to discuss right of way requirements and the project schedule. Section 9.1.3 of Volume I, *Manual of Instructions, Right of Way and Utilities Division* provides further guidance.

Normally, federal RW authorization will take 30 business days, after VDOT reviews are complete. It is imperative for the locality **not** to incur any right of way expenses until federal authorization, as costs incurred prior to federal authorization **shall not** be reimbursed and will be the responsibility of the locality. Please note that if the locality incurs RW expense prior to FHWA authorization, they risk loss of federal participation in the project.

By signature of a person of responsible charge from the locality, the locality certifies on the title sheet of the plans that the plans are complete for the acquisition of rights-of-way and the relocation of utilities.

#### **State Funded Only Projects**

Same as Federally Funded Projects, except that no environmental re-evaluation is required – please see above.

## **A -1. [Environmental Re-evaluation \(Right of Way Phase\)](#)**

### **Federally Funded Projects**

VDOT re-evaluates environmental documentation prior to requests for FHWA RW and CN phase authorizations where FHWA funds are utilized for these phases. The re-evaluation ensures that the environmental document adequately addresses the project as designed. This re-evaluation is known as the “Environmental RW re-evaluation” (see form EQ-201). The re-evaluation at RW determines that the right of way proposed for acquisition is consistent with the alignment evaluated in the original environmental document. If the re-evaluation identifies a difference between the project as designed and the previously approved environmental document, consultation with FHWA is required to determine the need for additional study. The design inconsistency needs to be satisfactorily addressed before right of way funds can be authorized and may result in additional coordination efforts by the locality. In some cases, a new public hearing or new environmental document may be required.

The locality is responsible for providing to VDOT’s Project Coordinator all data and documentation (see [Appendix G](#)) necessary for performance of the environmental document re-evaluation prior to RW authorization (See [LD-441](#)). VDOT will subsequently submit its analysis to FHWA for concurrence and RW authorization.

Federal Reference – 23 CFR 771

### **State Funded Only Projects**

No environmental re-evaluation is required.

## **A-2. [Right of Way Re-evaluation](#)**

### **Federally and State Funded Projects**

Along with a request for RW phase authorization, the locality must complete and submit Right-of-Way forms RW-300 and RW-301 form to the VDOT Project Coordinator for approval. The Right of Way and Utilities Division’s Project Scheduling and Certification Section will enter the information into the Right-of-Way Utility Management System (RUMS). A copy of the [RW-301](#) is available in Appendix J.

## **B. [Land Acquisition Policies and Guidelines](#)**

### **Federally Funded Projects**

The locality must **not** begin the purchase of right of way until authorization is received from VDOT. The purchase of right of way, the relocation of families, businesses, farms, and nonprofit organizations, and utilities must be performed in accordance with the procedures outlined in the Code of Virginia and federal regulations as referenced below. Failure to follow these steps may result in the loss of funding participation and failure by the courts system to approve any eminent domain acquisition to obtain the needed right of way.

VDOT's *Manual of Instructions, Right of Way and Utilities Division* outlines these procedures and is incorporated by reference. A hard copy of this manual can be obtained by contacting the Right of Way and Utilities Division directly. Advance RW and protective purchases are discussed in the manual, and a locality is subject to strict rules for reimbursement from both VDOT and FHWA. There may be instances where the direction outlined in the manual cannot legally be followed by the locality. In these cases, the locality should work with the VDOT Project Coordinator so that any deviation of procedures is approved in writing by VDOT prior to initiation.

The locality is responsible for identifying and addressing all hazardous materials-related issues for projects. This information is documented and given to the VDOT Project Coordinator in the Hazardous Materials Due Diligence Certification form (EQ-121). By submitting the EQ-121, the locality certifies that it has conducted adequate due diligence and that all appropriate records are in its possession and available for review. It is not necessary that all hazardous materials issues be resolved prior to submission of the form, however a plan must be in place to ensure resolution. The form must be submitted prior to RW authorization. All properties to be utilized as RW shall receive an appropriate level of study including any locality-owned, proffered, or donated properties. The locality must also communicate any outstanding contamination issues to its construction contractors to ensure adequate precautions are taken in order to provide safe working conditions.

Federal Reference – 49 CFR 24, CFR 23 and 40

#### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – Title 25.1 and 33.1 of the Code of Virginia

### **C. Utility Relocation**

#### **Federally and State Funded Projects**

Under state law, private utility companies may be reimbursed for moving utilities in conflict with the project, at project expense, when they have been located on easement or have prior rights in the existing location. It is also recognized that some localities have franchise agreements with utility companies that require the company to move its utility because of a project, at the company's expense. In that case, the locality shall enforce the terms of its agreements in order to save project funds.

In order to pay for utility adjustments at project expense, a detailed utility plan and cost estimate needs to be prepared. Eligible project expenses for utilities basically result in the in-kind replacement of any utilities that are in conflict with the project. **Effective July 1, 2006**, as provided for in the Code of Virginia, any county without an existing utility franchise agreement when administering a VDOT sanctioned project under a land use permit or transportation project agreement shall have the



same authority as the Department pertaining to the relocation of utilities. Where VDOT has direct control of project funds, VDOT will directly reimburse the utility for eligible expenses. In accordance with the above, it is recognized that in some instances the locality's utility facility owner may want to provide upgraded utilities or to put in new utilities while the highway is being disturbed for construction purposes. This is known as "betterment," and is generally not an eligible project cost. It makes sense to do this betterment work at the same time the project is being constructed, so the contractor may perform the work during construction, with the utility facility owner being responsible for the cost of the betterment portion from a different funding source.

Utility relocations have to be viewed as regional efforts, since all utility relocations within a region compete for a utility's time and resources. In order to accomplish efficient coordination of effort, the locality must prepare a realistic schedule and actively communicate its plans with the VDOT Project Coordinator.

Federal Reference – 23 CFR 645

State Reference – §§ 33.1-44, 33.1-55 and 56, 33.1-69.2, 33.1-269, 33.1-301, and 56-570 of the Code of Virginia

## V. CONSTRUCTION

### A. Authorization to Advertise (Construction Authorization)

#### **Federally Funded Projects**

When a federal project is ready to be advertised for construction, the project must first receive a project advertisement (construction) authorization from FHWA. To obtain this authorization, the locality must ensure that the activities identified in Appendix L are complete and submit the Federal Criteria Construction Authorization form located in Appendix L. The locality must also certify that the criteria contained in the [procurement checklist](#), Appendix M, have been met. If additional funds are needed from those shown in the SSYP or SYIP, a source needs to be identified. When this authorization is received from FHWA, the locality will be notified by the VDOT Project Coordinator. Normally it takes 30 business days to obtain federal authorization for a project's advertisement. The authorization will usually occur within the 60-90 day window for VDOT review of the completed bid package as noted in Section B, "Authorization to Award (Contract Letting)." It is important for the locality not to advertise the project until authorization is received, as **any costs incurred prior to authorization will not be reimbursed. While this process is referred to as "construction authorization," a separate authorization to award the contract and begin construction will be provided after bids are received, tabulated, and submitted to VDOT.**

Title sheets must be signed by a person of responsible charge from the locality. The signature certifies that the plans are complete, constructible, and biddable (ready for contract advertisement), and that the necessary right-of-way has been addressed and accounted for. The locality is also certifying, by the signature, that the plans



were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work. The plans shall be signed and sealed by a professional engineer in responsible charge of the work, who is registered to practice engineering in the Commonwealth of Virginia.

**The locality must submit to VDOT's Project Coordinator the bid documents, estimate and plans, if applicable, for review 60-90 days prior to advertisement.** The pre-advertisement conference, which includes concurrent review by VDOT's Civil Rights Division when applicable, (PAC) provides an opportunity to discuss these submittals and to resolve any questions or conflicts which may arise prior to advertisement. A list entitled "[Advertisement & Award for Construction](#)" is included in Appendix N as a guide. In addition special regulations must be addressed, such as: Civil Rights, Disadvantaged Business Enterprise (DBE), Davis Bacon rates, Buy America, no vendor negotiations, and 21-day advertisements. The [Virginia Public Procurement Act](#) discusses the state requirements for such items as how a project is to be advertised, how a selection is to be made, bonding, insurance, and audits. For your convenience a [procurement checklist](#) has been provided in Appendix M.

Federal Reference – 23 CFR 635

#### **State Funded Only Projects**

When the locality is ready to initiate the construction phase (i.e. advertise), the locality must submit a pre-construction package containing items 3-7 and 9 of Appendix L - [FHWA](#) Criteria for Construction Authorization to the VDOT Project Coordinator.

### **A-1. [Environmental Re-evaluation \(Construction Phase\)](#)**

#### **Federally Funded Projects**

As is the case when moving from the preliminary engineering phase (plans, specifications and estimates) to the right-of way phase, a re-evaluation of the environmental document occurs when a project progresses to the construction phase. The same conditions apply concerning changes in a project's scope that could require additional coordination efforts by the locality. The locality is responsible for providing VDOT with the data necessary to perform the re-evaluation ([LD-442 Form](#)). A copy of the plans must be submitted to the VDOT Project Coordinator so that the re-evaluation may be completed and forwarded for approval to FHWA. This re-evaluation is referred to as the "PS&E re-evaluation" (see form [EQ-200](#)). For additional information see [Appendix G](#). If the re-evaluation determines a difference between the proposed project and the previously approved environmental document, consultation with FHWA will determine the need for further study.

Federal Reference – 23 CFR 771.129(c)

### **State Funded Only Projects**

No re-evaluation is required.

## **A-2. Environmental Certification**

### **Federally Funded Projects**

All projects, regardless of funding source, require review and certification by the VDOT District Environmental Manager indicating that all environmental activities necessary to advertise a project for construction have been completed by the Locality. This certification must occur prior to authorization for advertisement and is included in [the checklist](#) discussed in Appendix K. VDOT's Project Coordinator will submit an [LD-442](#) to the District Environmental Manager to request the certification. In addition to the environmental documentation, forms EQ-121 and EQ-555 (see Appendix G) are also required from the locality for VDOT to complete this certification. The certification is done in conjunction with the PS&E re-evaluation. The District Environmental Manager will notify the VDOT Project Coordinator when the Environmental Certification has been completed. Environmental Certification is documented for VDOT in form [EQ-103](#).

Federal Reference – 23 CFR 771

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

State Reference – §10.1-1188 (Article 2) of the Code of Virginia

## **A-3. Right-of-Way and Utilities Certification**

### **Federally Funded Projects**

Prior to requesting authorization to advertise a project for construction, the locality must submit a letter and Appendix K of this Guide to the VDOT Project Coordinator stating that all right of way has been acquired (including all relocations and building structures) and all utilities have been relocated (or provision for relocation has been made in the construction of the project) or that construction is going to take place on existing right of way and no utilities are effected. In addition, a statement must be included providing information on railroad involvement. The Project Coordinator will provide this information to the District Right of Way Manager, who will forward this letter to the Right of Way and Utilities Division so that the project can be certified for advertisement.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

## B. Authorization to Award (Contract Letting)

### **Federally Funded Projects**

The locality is responsible for following all federal and state procurement laws and requirements in the letting of a contract. VDOT can provide information on requirements for projects and provide assistance as necessary and the locality encouraged to coordinate closely with their VDOT Project Coordinator. Currently the CTB to awards all contracts above \$2 million. The Commissioner will award contracts under \$2 million in value.

When the locality is ready for the CTB or the Commissioner to award the project, the request should be submitted to VDOT's Project Coordinator, with a cover letter signed by a person of responsible charge from the locality, certifying that all state environmental, design, right-of-way, fiscal and civil rights regulations outlined in [checklist](#) in Appendix K have been met.

For projects, valued above \$2 million and advertised by the locality, a locality representative must attend the CTB meeting to address any questions that may arise from the CTB members.

After the project is awarded, localities administering VDOT projects in the Six Year Program or Plan are now required to report project progress utilizing VDOT's Dashboard LAP web based tracking module. Information on this program is available on the Local Assistance Division website.

Local Force Construction: Section 33.1-190 of the Code of Virginia provides that state and or locality employees may be used for construction of projects estimated at \$300,000 or less. In addition the CTB may enter into an agreement with a locality to construct or maintain any roads in the system of state highways provided the locality has obtained a cost estimate of not less than \$300,000 or more than \$650,000 and the locality has received fewer than two bids from private entities to perform such work. A "Finding of Cost Effectiveness" shall be submitted to VDOT's Project Coordinator and subsequently approved by FHWA. **The locality must not begin construction work utilizing its own forces until such time as it has received concurrence to do so from the Project Coordinator.**

Federal Reference – 23 CFR 635

### **State Funded Only Projects**

Same as Federally Funded Projects with the exception of the special federal regulations discussed above and a "Finding of Cost Effectiveness" is not required for use of a locality's forces to construct a project. However, if a locality requests authority to perform construction work utilizing its own forces, the request shall be evaluated in the same manner that VDOT evaluates requests to perform work with state forces, including the requirement that a cost benefit analysis be prepared which indicates that using locality forces results in lower cost and equal or faster project completion than the competitive bid process. The cost benefit analysis and

supporting documentation shall be submitted to VDOT's Project Coordinator. **The locality should not begin construction work utilizing its own forces until such time as it has received concurrence to do so from the Project Coordinator.**

State Reference – §§ 2.2-4300, 2.2-4303, 2.2-4315, 33.1-12, and 33.1-190

**C. [Sole Source and Proprietary Procurement](#)**

**Federally and State Funded Projects**

Sole Source and Proprietary procurements are often confused. A sole source is when there is only one practicable source available. Competition is not available. It is very rare that any highway item or work is from a sole source. Occasionally, proprietary products are required in highway work, usually having to do with signal or technology products. Proprietary products are when an item is available from only one *source*, but are sold by a number of *vendors*. Competition between vendors is possible. The law treats them very differently. Sole source may require executive authorization. Where a locality is considering sole source procurement, it shall coordinate and receive concurrence from VDOT prior to proceeding.

For proprietary items, State laws allow for products that are equal to brand names unless the Invitation to Bid states specifically that only the brand name is acceptable. Guidance is available in the [State Agency Procurement Manual](#), Chapter 8. In the case of Federally Funded projects, both Sole Source and Proprietary procurements are considered restrictive and require the concurrence of the Federal Highway Division Administrator. Guidance can be obtained from the [FHWA Contract Administration Reference Guide](#) on Patented/Proprietary Products and in Federal regulations.

**D. [Permits](#)**

**Federally and State Funded Projects**

The locality is responsible for obtaining and complying with all necessary regulatory approvals, permits, and licenses for each project, which may include United States Coast Guard permits over navigable waterways and Army Corps of Engineers (ACOE) permits for impacts to waters of the United States (streams and wetlands) and any other permits issued by state agencies. The locality must design its projects in accordance with the laws, regulations, and policies referenced below. Unless otherwise agreed to, VDOT will **not** be involved in the locality's efforts to obtain the regulatory approvals, permits, or licenses. Copies of the Compliance Document must be submitted to the VDOT Project Coordinator in order to receive environmental certification of the project. This compliance should be documented for VDOT by the locality on the Water Quality and Natural Resources Due Diligence certification form ([EQ-555](#); see [Appendix G](#)).

Before a locality can begin work on a roadway that is part of the interstate, primary, or secondary system of highways, it must secure a land use permit from VDOT. This

permit is issued through the VDOT Residency and in many cases, will be issued at no cost.

Federal Reference – 33 USC 1341, 33 USC 1344, 33 USC 403, 16 USC 1531, 40 CFR 122, et al.

State Reference – Virginia Erosion and Sediment Control Law and Regulations, §10.1-561 et seq. and 4VAC50-30-10 et seq., Virginia Stormwater Management Law and Regulations, §10.1-603.1 et seq. and 4VAC3-20-10 et seq., Virginia Pollutant Discharge Elimination System Permits, Section 62.1-44.15.5 Chesapeake Bay Preservation Act, and 24VAC30-151-10 et seq.

#### **E. Construction Environmental Monitoring**

##### **Federally Funded Projects**

The locality is responsible for ensuring all environmental commitments made to agencies through the NEPA process are implemented at the appropriate time. Federal regulations require that VDOT monitor construction to ensure all environmental commitments made in the NEPA document process are implemented.

Federal Reference – 23 CFR 771

##### **State Funded Only Projects**

The locality is responsible for ensuring all environmental commitments made to agencies through the SERP process are implemented at the appropriate time. To ensure that all environmental commitments made during the SERP process are implemented, VDOT will monitor projects during construction.

State Reference – §10.1-1188 of the Code of Virginia

#### **F. Construction Inspection**

##### **Federally and State Funded Projects**

VDOT and the locality may want to establish a standard communication plan to outline roles and responsibilities and to ensure effective coordination during construction. This can be discussed during the preconstruction conference. Unless otherwise set out in the project administration agreement, the locality shall be responsible for providing adequate construction inspection to ensure that the project is constructed in accordance with the approved plans, specifications, and standards and shall maintain sufficient documentation to show that this has occurred.

Materials acceptance procedures must meet an appropriate minimum standard: work on facilities that will be maintained by VDOT must meet or exceed VDOT standards, federally funded work on facilities that will be maintained by the locality must meet 23 CFR 637, and state funded work on facilities that will be maintained by the locality must meet the locality's standards which must meet or exceed AASHTO standard.

Guidance on materials acceptance procedures, inspection procedures, requirements, and documentation is available in VDOT's [Construction](#) and [Inspection](#), the [Post Construction Manuals](#), and the Materials Division [Manual of Instruction](#), available on VDOT's web site. The Scheduling and Contract Division provides additional guidance on construction inspection and monitoring to District staff and therefore localities are encouraged to coordinate closely with the District contact on inspection and reporting requirements.

Inspection may be accomplished by the locality's forces or services may be procured by the locality in accordance with the procedures set out in VDOT's [2005 Manual for the Procurement of Professional Services](#).

VDOT may review project records and spot check field procedures as a project is being built to verify the locality's fulfillment of its inspection responsibilities. By submitting and invoicing for payment, the locality certifies that it has complied with these requirements and stipulates that all project records are available for inspection.

Federal Reference – 23 CFR 637

#### **G. [Change Orders/Funding Changes](#)**

##### **Federally Funded Projects**

On some projects, it becomes necessary to account for unanticipated work after the project contract is let. This results in a change order which, in most cases, results in an increase in contract price. The locality shall provide VDOT an opportunity to review work orders before they are approved and, working with the VDOT Project Coordinator, must ensure that sufficient funding is available to cover any increased costs. If a change is needed in the federal agreement because additional funding is required, the locality shall submit to VDOT's Project Coordinator the amount of additional funding necessary and the justification for the increased amount. VDOT will review this request and may request additional information to justify the change order.

This review generally entails obtaining an initial "conceptual" work order request approval from VDOT and a, subsequent, final work order request approval from VDOT and FHWA. The conceptual work order request outlines the justification for and general scope of the potential work order. The final work order request specifies the cost of the change order and any additional information requested by VDOT. Examples of conceptual and final work order request forms are provided in Appendix O.

Federal Reference – 23 CFR 635

### **State Funded Only Projects**

The locality shall provide VDOT an opportunity to review change orders before they are approved and, working with the VDOT Project Coordinator, must ensure that sufficient funding is available to cover any increased costs.

State Reference – §2.2-4309 of the Code Virginia

## **H. Claims**

### **Federally Funded Projects**

If a contractor files a notice of intent to file a claim, the locality is responsible for attempting to resolve the matter before it results in an actual claim.

### **State Funded Only Projects**

Same as Federally Funded Projects

## **I. Post Construction**

### **Federally and State Funded Projects**

The locality is responsible for the removal of all temporary erosion/sedimentation control devices within 30 days of final site stabilization or after the temporary devices are no longer needed.

When a project is completed, the locality should follow the procedures set out in VDOT's [Post Construction Manual](#), and include submission to VDOT of a copy of as built bridge and road plans in an electronic format (tag image files-".tif").

Any post construction monitoring requirements stipulated in water quality permits issued by regulatory agencies shall be conducted by the locality.

## **VI. FISCAL / AUDIT / BUDGET**

### **A. Audits and Compliance with OMB Circular A-133**

#### **Federally Funded Projects**

A random audit may be conducted of basic construction and project records, to verify compliance with applicable federal and state laws and regulations and any requirements within the project agreement. Project records must be maintained for a period of not less than three (3) years following FHWA acceptance of the final voucher, and the locality shall make such records available to VDOT upon request.

As a condition of receiving federal and state funds, the locality is required to conduct a yearly independent audit of its expenditures. As part of this audit, the auditors shall certify that the funds under this program have been expended in accordance with applicable federal and state laws and regulations. A locality's Comprehensive Annual Financial Report (CAFR) is generally structured to satisfy this requirement.



VDOT is a pass-through entity of federal awards, meaning it is a non-federal entity that provides federal awards to sub-recipients to carry out federal programs. The Virginia Localities, Municipalities, Metropolitan Planning Organizations (MPOs), and Planning District Commissions (PDCs) are sub-recipients of federal awards, meaning they are non-federal entities that spend federal awards received through VDOT to carry out a federal program, but do not include an individual that is a beneficiary of such a program.

All sub-recipients must comply with the requirements of Office of Management and Budget (OMB) [Circular A-133](#) Subpart C – Auditees, Section 300, Auditee Responsibilities (e). This requirement is that the auditee shall ensure that the single audits required are properly performed and submitted as specified by Circular A-133 to the External and Construction Audit Division (ECAD) of VDOT. The auditee will provide access to any relevant records and financial statements as necessary to ensure such compliance. This requirement shall be followed by all localities.

Within 150 days of the audit being received, ECAD will:

- Review the single audits to ensure that sub-recipients expending \$500,000 or more in Federal awards during the sub-recipient's fiscal year have met the audit requirements of OMB Circular A-133, Subpart B – Audits, Section 200.
- Submit a written report to the responsible Program Manager (LAD), detailing any sub-recipient audit findings identified in the Schedule of Findings and Questioned Costs related to VDOT pass-through Federal awards.

As provided in OMB Circular A-133 Subpart D – Federal Agencies and Pass-Through Entities Responsibilities, Section 405, Management Decision (c), the pass-through entity Program Manager shall be responsible for:

- Notifying the sub-recipient of the audit findings that relate to the federal awards and requesting from the sub-recipient certification that appropriate and timely corrective action has been taken.
- Notifying the Fiscal Division of VDOT of the audit findings that relate to the federal awards for Fiscal Division's determination of whether the sub-recipient audit findings necessitate adjustment of VDOT's own financial records.

When the pass-through entity Program Manager has followed the steps prescribed above, he/she shall notify VDOT's Chief Financial Officer (CFO). The CFO will take appropriate action, including but not limited to, notifying the State Comptroller and the Auditor of Public Accounts of such audit findings.

Federal Reference – Office of Management and Budget Circular A-133

### **State Funded Only Projects**

A random audit may be conducted of basic construction and project records, to verify compliance with applicable state laws and regulations and any requirements



within the project agreement. Project records shall be maintained for no less than three (3) years following project acceptance and the locality shall make such records available to VDOT upon request. Upon request, a locality shall provide its most recent Comprehensive Annual Financial Report (CAFR) for review by VDOT.

State Reference – §15.2-2511 of the Code Virginia

## **B. Recovery of VDOT Costs**

### **Federally Funded Projects**

It is recognized that VDOT will have various costs associated with the processing of locally administered projects. VDOT will provide an estimate of such costs to the locality. For routine activities such as plan reviews, environmental coordination, or civil rights compliance review, a fee may be charged to a locality, the cost may be financed from project funds, or, for secondary roads, the cost may be charged to a county's secondary preliminary engineering county wide cost center, depending upon project specifics. The project administration agreement will provide guidance on how such costs are to be handled for a specific project.

VDOT may agree to provide specific project services for which considerable manpower and financial resources are needed, such as: preparation of environmental documentation, purchasing right-of-way, etc. In these instances, the project administration agreement will detail how costs shall be charged.

### **State Funded Only Projects**

Same as Federally Funded Projects – please see above.

## **C. Processing of Invoices**

### **Federally Funded Projects**

A project level invoice, accompanied by supporting documentation, should be submitted to the VDOT Project Coordinator no more frequently than monthly, however in order to ensure timely processing and verification of invoices, all invoices shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Code of Federal Regulations Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance. The supporting documentation should include copies of invoices paid by the locality and a to-date project summary schedule, tracking payment requests and any adjustments. When submitting the monthly invoice, the Locality should submit a statement providing the following:

- Certification that all Civil Rights, Equal Opportunity, and DBE documentation has been submitted by the contractor;
- Certification that all applicable Environmental Controls are in place and are being maintained by the contractor;

- Certification that all materials used on the project during the pay period meet applicable FHWA and VDOT requirements;
- An updated progress schedule showing the items completed during the pay period;
- Documentation submitted by the contractor when he requested payment from the Locality;
- Certification from the responsible charge person on the project that the invoice is accurate and that the items being requested for payment have been installed on the project;
- A breakdown of current charges relative to materials on-hand, any price adjustments, and change orders, where applicable.

However, upon agreement between the locality and the VDOT District Office, in lieu of copies of invoices paid by the locality, a one-page summary of what documentation the locality has on file may be used, provided that the locality's Director of Finance or local employee of similar position signs it. Where the locality submits a one-page summary of documentation it has on file, it shall also certify that such records are retained in accordance with state and federal (where federal funds are utilized) records retention requirements for future audit purposes.

When an invoice is presented for payment to VDOT, the local match should be noted and adequate records maintained to document the local contribution. The use of direct-charge, in-house, locality staff time is allowed to count towards the locality's obligation provided adequate documentation is submitted by the locality which details such staff time and costs.

VDOT will reimburse the locality within 30 days of receipt of an acceptable invoice. The amount may be reduced if a project does not have sufficient federal allocations shown in the SSYP/SYIP.

The final estimate and voucher should be examined and verified by a qualified independent reviewer or auditor and written documentation of the verification should be provided with the invoice for final payment to the Department. The reviewer may be employed by the locality but should not be affiliated with the project.

#### **State Funded Only Projects**

Same as Federally Funded Projects, except that references to FHWA are removed – please see above.

#### **D. Non-completion of Projects**

##### **Federally Funded Projects**

In those cases where a locality begins a project and then subsequently cancels it, state law requires that, in some cases, the locality is responsible for reimbursing the CTB the net amount of all funds expended by the CTB for planning, engineering, right-of-way acquisition, utility relocation, demolition, relocation, and construction to the date of cancellation. Similarly, the locality is responsible for the reimbursement of federal funds in instances where federal projects are not completed. If the

locality and VDOT agree that a project should be cancelled, the payback requirement may be waived. It is important that a locality receive a determination regarding payback before canceling a project.

Federal Reference – 23 CFR 630

#### **State Funded Only Projects**

Same as Federally Funded Projects, except as noted below.

Even though the law specifically states that the CTB is to be reimbursed, the spirit of the law is to prevent a locality from starting and then stopping projects and thus using highway construction funds without addressing a transportation need. The law has provisions for the CTB to forgive this obligation under extenuating circumstances. It is important that a locality receive a determination regarding payback before canceling a project. Projects administered through the Urban Program require payback if they are cancelled.

State Reference – Sections 33.1-44 and 33.1-70.01 of the Code of Virginia

#### **E. Local Percentage**

##### **Federally Funded Projects**

For projects utilizing federal funds, a local match may be required from the locality. Under most circumstances the match must be made from local funds. The local match percentage varies between programs, but in most cases they are as follow: Urban Programs, 2% of the project cost, Enhancement projects or federal aid Secondary Construction Program projects in Arlington and Henrico County, 20% of the project cost. Other programs may also have match requirements. The locality should always consult with the District or Central Office Program Manager to determine what, if any, local match may be required.

##### **State Funded Only Projects**

For state funded projects financed by programs requiring a local match, such as Revenue Sharing, the various Access programs (in certain circumstances), and Urban Construction Program, the locality shall provide documentation of total project cost while only billing VDOT for VDOT's portion of the eligible costs.

State Reference – Sections 33.1-44, 33.1-75.1, and 33.1-223 of the Code of Virginia and the Guide to the Industrial Access Program

## VII. CIVIL RIGHTS

### **State and Federally Funded Projects**

The locality, its agents, employees, assigns or successors, and any person, firm, or agency of whatever nature with whom it may contract or make an agreement, shall comply with the provisions of the Virginia Fair Employment Contracting Act, Sections 2.2-4200 through 2.2-4201 of the Code of Virginia (1950), as amended. By signing the project administration agreement, the locality agrees it will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the locality. The locality agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause, including the names of all contracting agencies with which the locality has agreements of over ten thousand dollars (\$10,000.00). For analysis of Disadvantaged Business Enterprise (DBE) goals, the locality also must, through the Project Coordinator, submit for review by the District Civil Rights Manager (DCRM) (see Appendix B) project estimates prior to advertisement, actual bids prior to award for project, and any consultant contracts. These reviews, normally take 20 work days, and the DCRM will respond with any concerns as well as the actual DBE goals for a particular project, by looking at what can be subcontracted and the available market.

[The Local Assistance Division web site](#) contains a link to detailed discussions of the civil rights requirements for both [federal](#) and [state](#) projects. This information includes discussion of reporting requirements, record retention, goal setting, compliance and payment monitoring, and required training.

The DCRM will ensure that the locality has followed guidelines, through project monitoring which is conducted during the life of the project. This monitoring is normally done by the locality's project inspectors, who must be trained in these duties to include Compliance that will be provided to the DCRM. Project monitoring entails the completion of DBE Compliance Reviews, Equal Employment Opportunity (EEO) Contractor Compliance Reviews, Labor Compliance Reviews and On the Job Training (OJT) enrollments. Information regarding the submittal of required documents in reference to DBE Compliance, Equal Employment Opportunity (EEO) Contractor Compliance, Labor Compliance and On the Job Training can also be found through the [Local Assistance Division web site](#). All information is submitted for the life of the project, including a contract closeout report. The Civil Rights Division (CRD) submits quarterly and annual reports to Federal Highway Administration (FHWA), as well as copies of DBE Compliance Reviews and EEO Contractor Compliance Reviews, as required.

Federal Reference – Civil Rights Act of 1964, as amended, Title VI and VII, Executive Orders 11246, 12898, and 131656, as amended, FHWA Provision 1273, 23 US Code 140(b), 23 CFR 230, 49 CFR, Parts 21 and 26

State Reference – Chapter 42, §§ 2.2-4201, 2.2-4201, and Chapter 43, §§ 2.2-4300, 2.2-4310, 2.2-4311 and 2.2-4321 of the Code of Virginia.

IX.	<u>APPENDICES</u>	
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## Request to Administer Construction Project

To: ☐ Urban Program Manager (*for urban highway system projects*)  
☐ Residency Administrator (*for primary system, secondary system, and access projects.*)

Visit <http://www.virginiadot.org/business/local-assistance-directory.asp> to determine the responsible Urban Program Manager or <http://www.virginiadot.org/info/service/contact-us.asp#local> for Residency Administrator by locality.

From:

\_\_\_\_\_  
(Responsible Local Official Issuing Request)

\_\_\_\_\_  
(Email Address)

\_\_\_\_\_  
(Phone)

Signature (Typed  
when e-mailed)

By:

Date:

Locality:	Project #:	UPC:
Project Scope (short narrative):		
Local Contact (if different from above)	Name: _____ Email: _____	Phone: _____
<input type="checkbox"/> New Project Administration Request <input type="checkbox"/> Revised Scope of Work for Previous Request		
We are interested in administering the following phase/phases of the above reference project: <input type="checkbox"/> PE <input type="checkbox"/> CN <input type="checkbox"/> RW <input type="checkbox"/> Other If "other" phase is selected, describe scope of work proposed:		
Source of Funding: (all that apply)	<input type="checkbox"/> Federal <input type="checkbox"/> Revenue Sharing <input type="checkbox"/> Access (e.g. Economic, Industrial, Recreational, etc.) <input type="checkbox"/> Regular Construction <input type="checkbox"/> Local Funds <input type="checkbox"/> Other (specify):	
<b>Residency/Urban Program Manager and District Office Comments</b>		
<b>Residency/Urban Program Manager</b> Funding Information and Comments ( <i>expands as required</i> )	By: _____ Date: _____	
	Signature & Date (Typed when emailed)	
<b>District PE Manager or Construction Engineer</b> Comments ( <i>expands as required</i> )  When complete, transmit to Local Assistance Division, copy to Residency Administrator /Urban Program Mgr	By: _____ Date: _____	
	Signature & Date (Typed when emailed)	
	VDOT Project Coordinator Assigned:  Phone: _____	
<b>Chief Engineer's Approval</b>		
Comments ( <i>expands as required</i> ):		
<input type="checkbox"/> Approved <input type="checkbox"/> Denied _____		
By: _____ Date: _____		
Signature & Date (Typed when emailed)		

Upon completion, transmit this form to the Local Assistance Division for distribution and development of an agreement.  
Submission of this form is not necessary for Enhancement projects, which are presumed administered by the locality.

## STANDARD PROJECT ADMINISTRATION AGREEMENT

Project Number	UPC	Local Designation

THIS AGREEMENT, made and executed in triplicate this \_\_\_\_ day of \_\_\_\_\_, 200\_, by and between the \_\_\_\_\_ of \_\_\_\_\_, Virginia, hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT.

WHEREAS, the LOCALITY has expressed its desire to administer the work described in Appendix A, and such work for each improvement shown is hereinafter referred to as a Project; and

WHEREAS, the funds shown in Appendix A have been allocated to finance each Project; and

WHEREAS, the LOCALITY will progress with the development of each Project so that any federal funds allocated to each Project may be obligated within three years of allocation to each Project in accordance with the current Statewide Transportation Improvement Program, unless otherwise specified in writing by the Department; and

WHEREAS, both parties have concurred in the LOCALITY's general administration of the phase(s) of work for the respective Project(s) listed in Appendix A in accordance with applicable federal, state, and local law and regulations.

NOW THEREFORE, in consideration of the mutual premises contained herein, the parties hereto agree as follows:

1. The LOCALITY shall:

- a. Be responsible for all activities necessary to complete the noted phase of each Project shown in Appendix A, except the performance of the State Environmental Review Process (SERP), and coordinate with the DEPARTMENT for all reviews, approvals, and environmental actions and decisions, as required. Each Project will be designed and constructed to meet or exceed current American Association of State Highway and Transportation Officials standards or supplementary standards approved by the DEPARTMENT.
- b. Receive prior written authorization from the DEPARTMENT to proceed with preliminary engineering, right-of-way acquisition and utility relocation, and construction phases of each Project.
- c. Maintain accurate and complete records of each Project's development and documentation of all expenditures and make such information available for inspection or auditing by the DEPARTMENT. Records and documentation for items for which reimbursement will be requested shall be maintained for



no less than three (3) years following acceptance of the final voucher on each Project, or all such records and documentation may be turned over to the DEPARTMENT in a manner acceptable to the DEPARTMENT.

- d. No more frequently than monthly, submit invoices with supporting documentation to the DEPARTMENT in the form prescribed by the DEPARTMENT. The supporting documentation shall include copies of related vendor invoices paid by the LOCALITY and a to-date project summary schedule tracking payment requests and adjustments. A request for reimbursement shall be made within 90 days after any eligible project expenses are incurred by the Locality. For federally funded projects and pursuant to the Federal Code of Regulation Title 49, Section 18.43, violations of the provision may result in the imposition of sanctions including possible denial or delay of payment of all or a part of the costs associated with the activity or action not in compliance.
- e. Subject to appropriation, reimburse the DEPARTMENT all Project expenses incurred by the DEPARTMENT if, due to action or inaction solely by the LOCALITY, federally funded Project expenditures incurred are not reimbursed by the Federal Highway Administration (FHWA), or reimbursements are required to be returned to the FHWA, or in the event the reimbursement provisions of Section 33.1-44 or Section 33.1-70.01 of the Code of Virginia, 1950, as amended, or other applicable provisions of federal, state, or local law or regulations require such reimbursement.
- f. On Projects that the LOCALITY is providing the required match to state or federal funds, pay the DEPARTMENT the LOCALITY's match for eligible Project expenses incurred by the DEPARTMENT in the performance of activities set forth in paragraph 2.a.
- g. Administer the Project in accordance with all applicable federal, state, or local laws and regulations.
- h. Provide certification by a LOCALITY official that all LOCALITY administered Project activities have been performed in accordance with all federal, state, or local laws and regulations. If the locality expends over \$500,000 annually in federal funding, such certification shall include a copy of the LOCALITY's single program audit in accordance with Office of Management and Budget Circular A-133.
- i. The LOCALITY will use its staff counsel for all legal proceedings. If legal services other than that provided by staff counsel are required, the LOCALITY will consult the DEPARTMENT to obtain an attorney from the list of outside counsel approved by the Office of the Attorney General.
- j. For Projects on facilities not maintained by the DEPARTMENT, provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT.

2. The DEPARTMENT shall:
  - a. Perform the SERP and provide guidance relative to the coordination of environmental commitments that result from the SERP, provide necessary coordination with the FHWA, and approve plans, specifications, advertisement documents, and contract awards as determined to be necessary by the DEPARTMENT.
  - b. Upon receipt of the LOCALITY's invoices pursuant to paragraph 1.d, reimburse the LOCALITY the cost of eligible Project expenses, as described in Appendix A. Such reimbursements shall be payable by the DEPARTMENT within 30 days of an acceptable submission by the LOCALITY.
  - c. If appropriate, submit invoices to the LOCALITY for the LOCALITY's share of eligible project expenses incurred by the DEPARTMENT in the performance of activities pursuant to paragraph 2.a.
  - d. Audit the LOCALITY's Project records and documentation as may be required to verify LOCALITY compliance with federal and state laws and regulations.
  - e. Make available to the LOCALITY guidelines to assist the parties in carrying out responsibilities under this Agreement.
3. Appendix A outlines the phases of work and general items to be administered by the LOCALITY. There may be additional elements that, once identified, shall be addressed by the parties hereto in writing, which may require an amendment to this Agreement.
4. If designated by the DEPARTMENT, the LOCALITY is authorized to act as the DEPARTMENT's agent for the purpose of conducting survey work pursuant to Section 33.1-94 of the Code of Virginia, 1950, as amended.
5. Nothing in this Agreement shall obligate the parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been appropriated. In the event the cost of a Project is anticipated to exceed the allocation shown for such respective Project on Appendix A, both parties agree to cooperate in providing additional funding for the Project or to terminate the Project before its costs exceed the allocated amount, however the DEPARTMENT and the LOCALITY shall not be obligated to provide additional funds beyond those appropriated and allocated.
6. Nothing in this agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.

7. This agreement may be terminated by either party upon 30 days advance written notice. Eligible Project expenses incurred through the date of termination shall be reimbursed in accordance with paragraphs 1.e, 1.f, and 2.b, subject to the limitations established in this Agreement and Appendix A. Upon termination, the DEPARTMENT shall retain ownership of plans, specifications, and right of way, unless all state and federal funds provided for the Project have been reimbursed to the DEPARTMENT by the LOCALITY, in which case the LOCALITY will have ownership of the plans, specifications, and right of way, unless otherwise mutually agreed upon in writing.

THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any party.

THIS AGREEMENT, when properly executed, shall be binding upon both parties, their successors, and assigns.

THIS AGREEMENT may be modified in writing by mutual agreement of both parties.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written.

\_\_\_\_\_ **OF** \_\_\_\_\_, **VIRGINIA:**

\_\_\_\_\_

\_\_\_\_\_  
Typed or printed name of signatory

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this agreement.

**COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:**

\_\_\_\_\_  
Commonwealth Transportation Commissioner  
Commonwealth of Virginia  
Department of Transportation

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

**Attachments**

Appendix A (list out all App A to be included, by UPC)

**Project Number:** (UPC )

**Locality:**

Project Narrative
<b>Scope:</b> <b>From:</b> <b>To:</b>
Locality Project Manager Contact Info: Department Project Coordinator Contact Info:

Project Costs and Reimbursement				
Phase	Estimated Project Costs	Estimated Eligible Project Costs	Estimated Eligible VDOT Project Expenses	Estimated Reimbursement to Locality
Preliminary Engineering				
Right-of-Way & Utilities				
Construction				
Total Estimated Cost				
Total Maximum Reimbursement by Locality to VDOT				
Total Maximum Reimbursement by VDOT to Locality				

Project Financing				
A	B	C	D	E
<fund source A>	<fund source B>	<fund source C>	<fund source D>	Aggregate Allocations (A+B+C+D)

Program and Project Specific Funding Requirements

This attachment is certified and made an official attachment to this document by the parties of this agreement

_____ Authorized Locality Official and date	_____ Residency Administrator's/Urban Program Manager's Recommendation and date
_____ Typed or printed name of person signing	_____ Typed or printed name of person signing

APPENDIX B  
CONTACT TELEPHONE NUMBERS

LOCAL ASSISTANCE DIVISION (LAD)

Michael A. Estes, PE (Division Administrator)	804-786-2746
Russ Dudley	804-786-6663
Bernard E. Schmelz, AICP	804-786-2595
Clark M. Woods	804-692-0565

CIVIL RIGHTS DIVISION (CRD)

Freddie L. Jones, Division Administrator	804-786-2935
Shay K. Hope, Assistant Division Administrator	804-786-2935
Doretha W. Davis, External Programs Coordinator	804-786-3478
G. Craig Wingfield, DBE Goal-setting Manager	804-786-4174

ENVIRONMENTAL DIVISION

Earl T. Robb (Division Administrator)	804-786-4559
Jackie Cromwell	804-371-6829

EXTERNAL AUDIT

Judson Brown (Division Administrator)	804-225-3597
---------------------------------------	--------------

FISCAL DIVISION

Janice Long (Division Administrator)	804-786-6373
George Byrd	804-786-4223

INNOVATIVE PROJECT DELIVERY

Tom Pelnik, PE (Division Administrator)	804-786-1103
Dusty Holcombe (PPTA)	804-786-3173
Kerry Bates (Design-Build)	804-371-4312

INTERNAL AUDIT

Bradley Gales (Director of Internal Audit)	804-786-2825
Carla Sankey	804-786-4567

LOCATION & DESIGN DIVISION

Mohammad Mirshahi, PE (Division Administrator)	804-786-2507
Emmett Heltzel, PE	804-786-2949

MOBILITY MANAGEMENT DIVISION

Ray Khoury, PE (Division Administrator)	804-786-1061
Phil Hopkins, PE	804-786-2918

PROGRAMMING DIVISION

Diane Mitchell (Division Administrator)	804-786-2741
Dane Lewis	804-225-3552

Jamie Brown Porter	804-786-2844
<b>RIGHT OF WAY AND UTILITIES DIVISION</b>	
Stuart Waymack (Division Administrator)	804-786-2923
Les Griggs	804-786-2917
<b>SCHEDULING &amp; CONTRACT DIVISION</b>	
W. Byron Coburn, PE (Division Administrator)	804-371-2531
Don Silies	804-786-1630
<b>STRUCTURE &amp; BRIDGE DIVISION</b>	
Ken Walus, PE (Division Administrator)	804-786-4575
Jim Fariss, PE	804-786-2998
<b>TRANSPORTATION AND MOBILITY PLANNING DIVISION</b>	
Marsha Fiol (Division Administrator)	804-786-2985
Robin Grier	804-786-1040
<b>VALUE ENGINEERING</b>	
Ron Garrett	804-862-6266
<b>DISTRICTS</b>	
<b>BRISTOL</b>	
<b>CIVIL RIGHTS MANAGER</b>	
Deborah Atkins	276-669-9907
<b>CONSTRUCTION ENGINEER</b>	
Ken Brittle	276-669-9903
<b>ENVIRONMENTAL MANAGER</b>	
Doris K. Bush	276-669-9945
<b>LOCATION &amp; DESIGN ENGINEER</b>	
Dennis Harris	276-669-9910
<b>RIGHT OF WAY AND UTILITIES MANAGER</b>	
Curt L. Jackson	276-669-9923
<b>URBAN PROGRAM MANAGER</b>	
Mark White	804-786-3438
<b>CULPEPER</b>	
<b>CIVIL RIGHTS MANAGER</b>	
Carla Allen	540-829-7523
<b>CONSTRUCTION ENGINEER</b>	
Kenneth Shirley, PE	540-829-7510
<b>ENVIRONMENTAL MANAGER</b>	
Scott Bywaters	540-829-7652
<b>LOCATION &amp; DESIGN ENGINEER</b>	
Karen P. Kilby	540-829-7550

PRELIMINARY ENGINEERING MANAGER	
Brent Sprinkel, P.E.	540-829-7552
RIGHT OF WAY AND UTILITIES MANAGER	
Fannie Mae Printz	540-829-7701
URBAN PROGRAM MANAGER	
Leo Rutledge	804-786-2586
FREDERICKSBURG	
CIVIL RIGHTS MANAGER	
Jim Kavina	540-899-4562
PRELIMINARY ENGINEERING MANAGER	
Harry W. Lee	540-899-4225
ENVIRONMENTAL MANAGER	
Robert E. Pickett	540-899-4209
LOCATION & DESIGN ENGINEER	
Michelle Shropshire, PE	540-899-4215
RIGHT OF WAY AND UTILITIES MANAGER	
Tommy H. Morrison	540-899-4253
URBAN PROGRAM MANAGER	
Marvin Tart	804-524-6290
HAMPTON ROADS	
CIVIL RIGHTS MANAGER	
Sam Davis	757-925-2519
CONSTRUCTION ENGINEER	
Mark Cacamis	757-925-2504
ENVIRONMENTAL MANAGER	
Jack McCambridge	757-925-2631
PRELIMINARY ENGINEERING MANAGER	
Adam J. Jack	757-925-2415
RIGHT OF WAY AND UTILITIES MANAGER	
Warren Williams	757-925-2527
URBAN PROGRAM MANAGER	
Todd Halacy	757-925-2513
LYNCHBURG	
CIVIL RIGHTS MANAGER	
Joe King	434-856-8168
CONSTRUCTION ENGINEER	
Dale H. Grigg	434-856-8173
ENVIRONMENTAL MANAGER	
Stanley E. Murphy	434-856-8285
LOCATION & DESIGN ENGINEER	
Shannon Cotulla	434-856-8250
RIGHT OF WAY AND UTILITIES MANAGER	



Lori A. Snider	434-856-8235
URBAN PROGRAM MANAGER	
Leo Rutledge	804-786-2586

#### NORTHERN VIRGINIA

CIVIL RIGHTS MANAGER	
Leslie Martin	703-383-2341
CONSTRUCTION ENGINEER	
Michael Rosenfeld, PE	703-383-2455
ENVIRONMENTAL MANAGER	
John Muse	703-383-2098
PRELIMINARY ENGINEERING MANAGER	
William C. Cuttler, PE	703-383-2174
TRANSPORTATION MANAGERS	
Helen Cuervo (Prince William)	703-366-1931
Farid Bigdeli (Loudoun)	703-383-2357
Renee Hamilton (Fairfax)	703-383-2434
RIGHT OF WAY AND UTILITIES MANAGER	
Brian Costello	703-383-2296
URBAN PROGRAM MANAGER	
Richard "Dic" Burke	703-383-2431

#### RICHMOND

CIVIL RIGHTS MANAGER	
Tommy Todd	804-524-6091
CONSTRUCTION ENGINEER	
Christopher L. Winstead, PE	804-524-6095
ENVIRONMENTAL MANAGER	
Nicholas Froelich	804-524-6104
PRELIMINARY ENGINEERING MANAGER	
Sam Hayes, PE	804-524-6430
RIGHT OF WAY AND UTILITIES MANAGER	
David A. Schneider	804-524-6017
URBAN PROGRAM MANAGER	
Marvin Tart	804-524-6290

#### SALEM

CIVIL RIGHTS MANAGER	
Jenny Brewbaker	540-387-5391
CONSTRUCTION ENGINEER	
Pete A. Sensabaugh, Jr.	540-387-5348
ENVIRONMENTAL MANAGER	
Paul Johnson	540-387-5432
LOCATION AND DESIGN ENGINEER	
Mike Russell, PE	540-375-3593

PRELIMINARY ENGINEERING MANAGER	
Robert H. Cary, PE	540-387-5356
RIGHT OF WAY AND UTILITIES MANAGER	
Jack P. Orr	540-387-5432
URBAN PROGRAM MANAGER	
Leo Rutledge	804-786-2586

STAUNTON

CIVIL RIGHTS MANAGER	
Homer Coffman	540-332-7888
CONSTRUCTION ENGINEER	
Randy S. Kiser, PE	540-332-9095
ENVIRONMENTAL MANAGER	
Robert W. Jones	540-332-9101
PRELIMINARY ENGINEERING MANAGER	
Terry L. Jackson	540-332-7786
RIGHT OF WAY AND UTILITIES MANAGER	
Robert S. Ryder	540-332-9128
URBAN PROGRAM MANAGER	
Jerry VanLear	540-332-9030

[RESIDENCY ADMINISTRATORS \(link to VDOT web site\)](#)

## APPENDIX C

### *Summary of Requirements*

The following table is for projects fully administered by localities (PE, RW and CN). This does not apply to projects where the locality administers only a portion of the work or to Public Private Partnerships and Design/Build projects.

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
<b>Preliminary Engineering</b>		
Project Initiation	Locality requests project be included in SYIP or adds to SSYP In non-attainment & maintenance area must be part of conforming LRP & TIP Expenses are on a reimbursable basis Locality submits request to administer project	Locality requests or designates funding from appropriate source In non-attainment & maintenance area if project regionally significant must be part of conforming LRP & TIP Expenses are on a reimbursable basis Locality submits request to administer project
PE Authorization	Locality must receive authorization from VDOT before initiating work on a particular phase	
SERP	Locality initiates and VDOT performs admin portion	
Preparation of Environmental Document	FHWA determines level of document Locality prepares VDOT reviews to ensure compliance with fed/state requirements	If a regulatory agency other than FHWA requires a NEPA document, locality is responsible for all preparation and coordination of document
Environmental Permits	Locality must secure all permits-incl. USCG navigation permits, Army Corps of Engineers (ACOE) permits, Water Quality Permits, and similar permits which may be required. Locality must certify prior to construction that all permits have been secured. Though not an exhaustive list, the following agencies may have permits which impact a locally administered construction project: DEQ, DCR, VMRC, CG, ACOE, and TVA. Natural Resource Due Diligence Certification form ( <a href="#">EQ-555</a> ) must be utilized and filed	
Hazardous Materials	Locality must certify that necessary action taken or will be taken. Hazardous Materials Due Diligence Certification form ( <a href="#">EQ-121</a> ) must be utilized and filed	
Consultant Procurement	Locality must meet fed/state laws and will follow VDOT's Procurement Manual to do so	
Value Engineering	Required for projects > \$5M Locality conducts and submits reports to VDOT	
Location Approval (if needed)	Must be approved by the CTB	
Design Standards	VDOT	

## APPENDIX C

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
Plan Reviews	VDOT will perform at least 3 plan reviews at: <ul style="list-style-type: none"><li>➤ Pre public hearing – 30% plan stage</li><li>➤ Pre Right-of-Way (including preliminary bridge plans) – 60% plan stage</li><li>➤ Pre Construction (including 90% bridge plans) – 90% plan stage</li></ul> VDOT may also conduct additional reviews per LD IIM 216 Locality must certify all design in accordance with AASHTO prior to beginning construction	
Design Exceptions	VDOT must approve all exceptions to VDOT standards and specifications	
Public Involvement	All localities must meet fed/state laws and shall follow Department Policy Memorandum 1-11	
Design Approval	Chief Engineer	
<b>Right-of-Way &amp; Utilities</b>		
Environmental Re-evaluation (Right-of-Way Phase; EQ201)	Re-evaluation performed by VDOT with information from locality on LD-441	Not needed
Right-of-Way Re-evaluation	Locality must submit RW-301 to district office	
Authorization	Localities must receive authorization from VDOT before initiating work on a particular phase	
Land Acquisition	Locality must conduct acquisition in accordance with Right-of-Way & Utilities Manual VDOT to perform random post construction audits/reviews	
Utility Relocation	Locality must conduct utility relocation in accordance with Right-of-Way & Utilities Manual VDOT to perform random post construction audits/reviews	
<b>Construction</b>		
Environmental Re-evaluation (Construction Phase) also known as “PS&E Re-evaluation” EQ200	Re-evaluation performed by VDOT with information from locality on LD-441/442 and copy of plans	Not needed
Environmental Certification (EQ103)	Certification performed by VDOT with information provided by the locality	Certification performed by VDOT with information provided by the locality
Authorization	Localities must receive authorization from VDOT before initiating work on a particular phase	
Project Certification	Localities certify that necessary action taken (checklist outlining requirements being developed to include items such as Environmental, RW, Design, Coast Guard Permit, etc.) VDOT reviews to ensure compliance with fed/state requirements	
Advertisement/Contract Letting	Locality will advertise project CTB or Commissioner must approve award of contract	
Change Orders/Funding Changes	Locality must give VDOT chance to review and approve change order before implementation Locality must submit justification if additional \$ needed from FHWA	Locality must give VDOT chance to review and approve change order before implementation

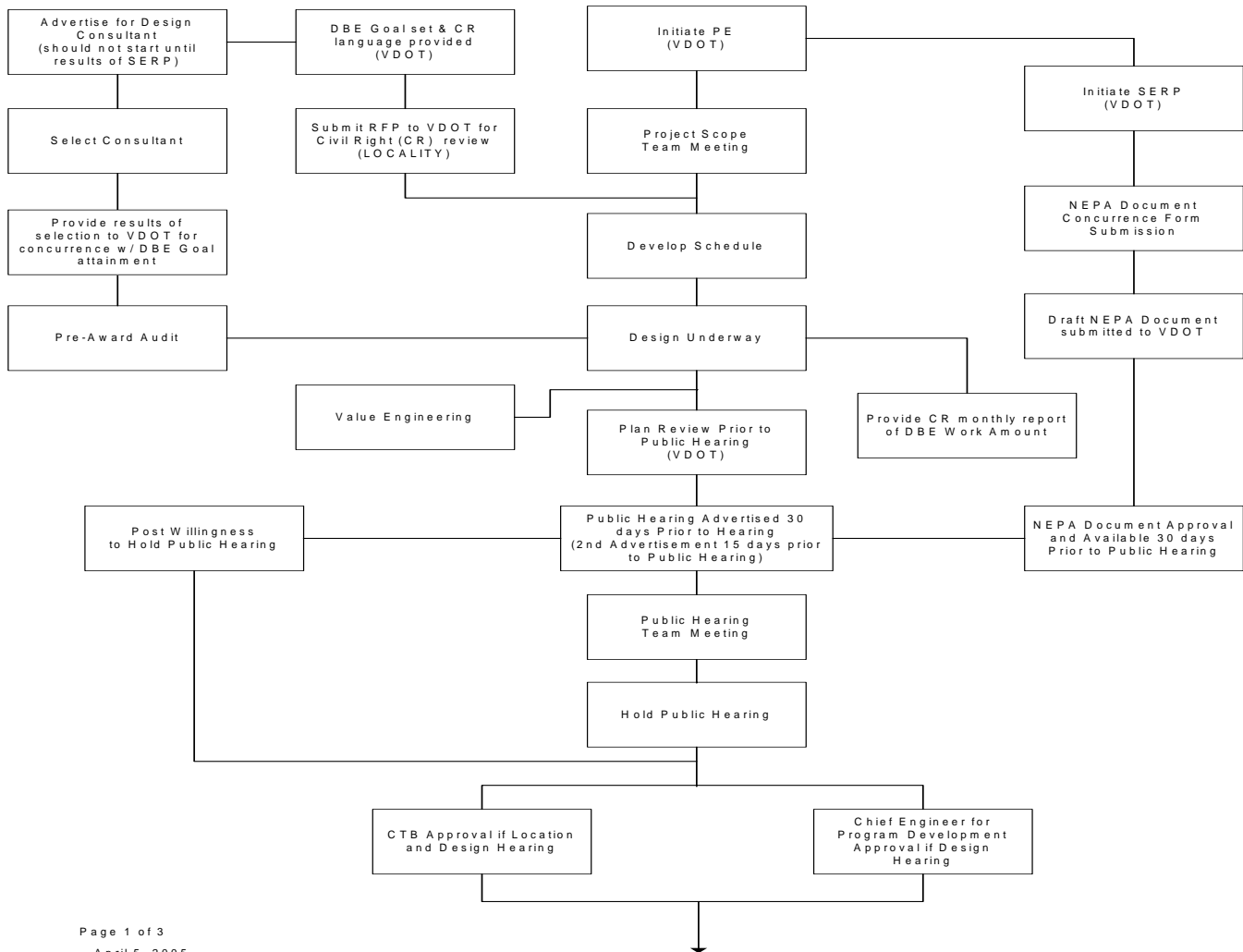
## APPENDIX C

Activity	Requirements for Federal Funded Projects	Requirements for State Funded Projects
Environmental Monitoring	VDOT will monitor periodically during construction to ensure commitments made in SERP/NEPA processes are implemented by locality	
Civil Rights	All localities responsible in complying with Virginia Fair Employment Contracting Act, Title VI of the Civil Rights Act of 1964, provisions from the CFR pertaining to Disadvantaged Business Enterprises, On The Job Training Program, etc. VDOT will assist with various aspects of these programs and will monitor documentation from the Cities that the requirements have been met	
Post Construction		
Bridge Plans	Locality to submit TIF File of “As-Built” to VDOT	
Roadway Plans	Locality to submit TIF files of final plans to VDOT	
Audits/Compliance	VDOT may conduct random audits/reviews Cities must conduct a yearly independent audit of expenditures	
Recovery of VDOT Costs	VDOT will not charge for general admin of program VDOT will charge for project specific items (SERP, plan reviews, etc.) VDOT will provide an estimate of these costs to the Locality VDOT/Locality will enter into separate agreements for major project development items requested to perform on the Locality’s behalf	

# APPENDIX D

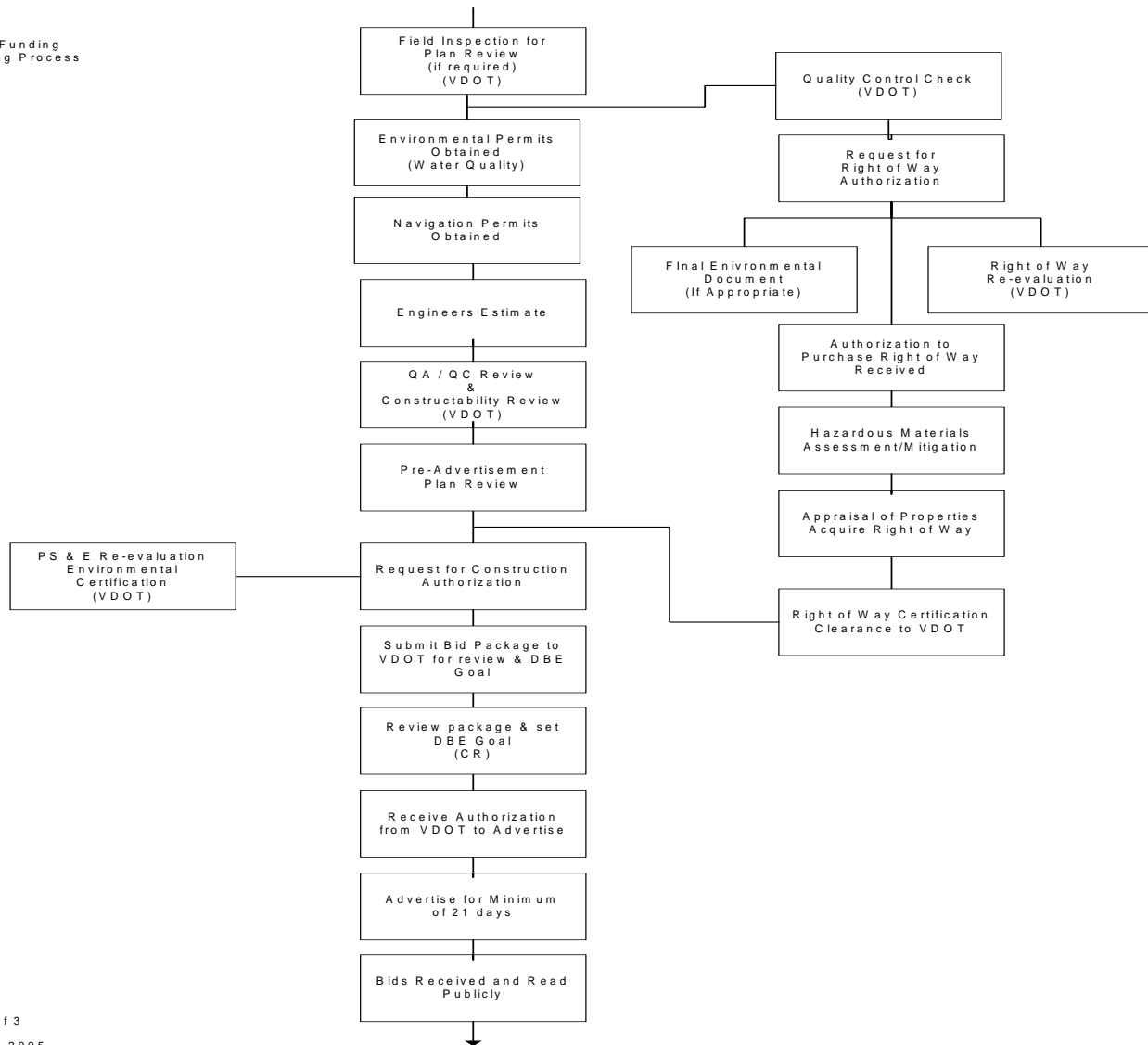
## FLOW CHARTS

### Federal Funding One Hearing Process



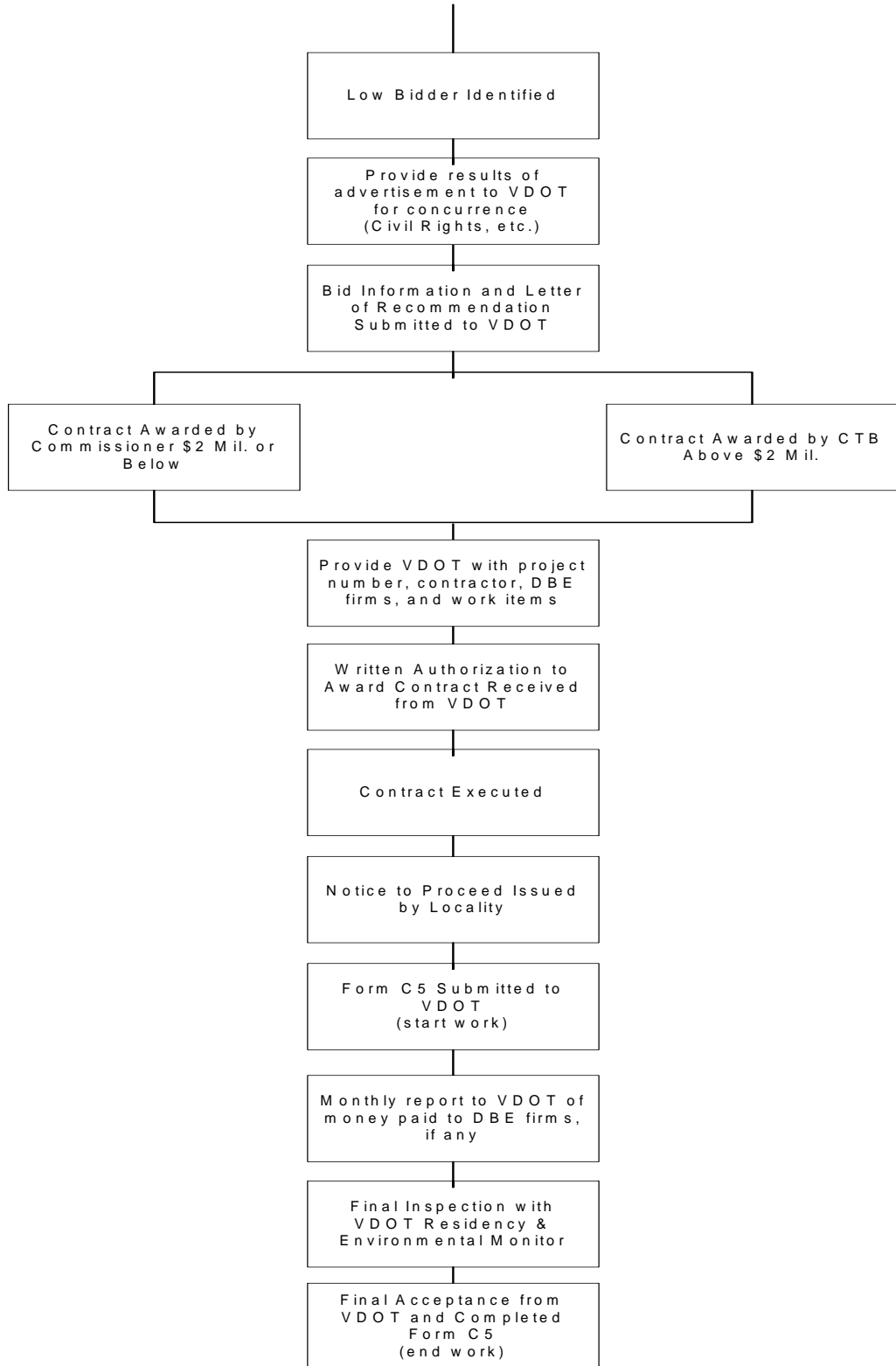
# APPENDIX D

Federal Funding  
One Hearing Process



## APPENDIX D

Federal Funding  
One Hearing Process





LOCALLY ADMINISTERED PROJECT CHECKLIST (February 2007)

VDOT PROJECT NUMBER: \_\_\_\_\_  
 VDOT UPC NUMBER: \_\_\_\_\_  
 FEDERAL PROJECT NUMBER: \_\_\_\_\_  
 PROJECT DESCRIPTION: \_\_\_\_\_

---

**NOTE:** Actions applicable to the project will be checked by the project coordinator once the local/state agreement has been executed. These actions are generally sequential and should, typically, be completed in the order as listed.

Upon completion of the required item, the locality's project manager will check the corresponding box. An up to date checklist may be requested by VDOT as needed.

Depending on the funding source, some items in this checklist may NOT be applicable. Items applicable only to federal projects are italicized.

**NOTE:** Authorization to proceed is necessary for each phase before costs can be incurred. Any costs incurred prior to authorization will be the locality's responsibility.

Applicable

Completed

**Project Development**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <i>In air quality non-attainment areas, Project included in Long Range Plan and TIP that has been analyzed for air quality conformity</i>        |
| <input type="checkbox"/> | <input type="checkbox"/> | Sufficient funding in approved SYP/SYIP to cover Preliminary Engineering estimate  |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Project PE is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount</i> |
| <input type="checkbox"/> | <input type="checkbox"/> | Written authorization to proceed with Preliminary Engineering received from VDOT   |

**Preliminary Engineering Phase**

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Scoping Meeting  |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Preliminary determination of bridge limits/touchdown points (for BR projects)</i>   |
| <input type="checkbox"/> | <input type="checkbox"/> | Bicycle and Pedestrian Accommodation – The locality shall consider bicycle/pedestrian accommodations in accordance with VDOT CTB Policy and document such consideration in the project file. |
| <input type="checkbox"/> | <input type="checkbox"/> | SERP initiated by locality   |
| <input type="checkbox"/> | <input type="checkbox"/> | <i>Federal Acquisition Regulation (FAR) audit of proposed consultants</i>  |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed professional services contract submitted to VDOT for pre-   |

## APPENDIX E

- ☐ advertisement review
- ☐ Pre-award audit completed
- ☐ Contract awarded for professional services
- ☐ Project schedule and estimate determined
- ☐ SERP completed by VDOT
- ☐ Scoping completed on project, including scoping for environmental services
- ☐ ***NEPA Document Concurrence Form completed and submitted to VDOT Project Coordinator***
- ☐ ***NEPA document type approval received from FHWA via VDOT Project Coordinator***
- ☐ Pre-Public Hearing Plans submitted to VDOT Project Coordinator for review and comment
- ☐ ***Draft NEPA environmental document submitted to VDOT Project Coordinator for review and submission to FHWA***
- ☐ ***FHWA-signed NEPA document available to the public at least 30 days prior to public hearing***
- ☐ ***Approval of NEPA Document***
- ☐ ***Final approval for bridge limits/touchdown points (for BR projects)***
- ☐ Notice of Public Hearing in paper 30 days prior to Public Hearing; ***NEPA documentation must be made available to the public for review***
- ☐ Public Hearing held or “Notice of Willingness” posted
- ☐ Value Engineering review for projects with construction costs exceeding \$5,000,000.00
- ☐ Location/Design approval – Commonwealth Transportation Board/Chief Engineer
- ☐ ***Final NEPA document approval (if Draft and Final NEPA documents appropriate)***
- ☐ Environmental compensation and mitigation (related to wetlands and stream impacts). Locality needs to consider whether property will be needed for compensation and mitigation requirements of permits.
- ☐ Pre Right-of-Way plan review
- ☐ ***NEPA document re-evaluation (R/W re-evaluation EQ-200) prior to request for FHWA R/W authorization (only when Federal funding used in Right-of-Way acquisition)***
- ☐ Locality needs to submit completed RW-301 (prior to request for R/W authorization)

### Right-of-Way Phase

- ☐ Sufficient funding in approved SYP/SYIP to cover RW estimate and Construction estimate
- ☐ ***Project RW is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount***
- ☐ Written authorization to proceed with property acquisition received from VDOT (Right-of-Way Authorization)

## APPENDIX E

### Final Plan Design and Bid Document Preparation

- ☐ ☐ Sufficient funding in approved SYP/SYIP to cover Construction estimate
- ☐ ☐ ***Project Construction is listed in the approved Statewide Transportation Improvement Program (STIP) and estimates are consistent with current amount***
- ☐ ☐ All environmental permits obtained by locality and documented in Water Quality and Natural Resources Due Diligence form (EQ-555). EQ-555 sent to VDOT Project Coordinator
- ☐ ☐ Navigation permit for bridges over navigable waterways obtained from the US Coast Guard and copy provided to VDOT Project Coordinator
- ☐ ☐ Hazardous materials assessments/mitigation/remediation complete and documented in Hazardous Materials Due Diligence form (EQ-121). EQ-121 sent to VDOT Project Coordinator
- ☐ ☐ Pre-Advertisement Conference
- ☐ ☐ Right-of-Way information submitted to VDOT with a request for right-of-way certification (locality shall include statement regarding right-of-way and utility clearance and railroad involvement-see Appendix K)
- ☐ ☐ Engineer's Estimate prepared
- ☐ ☐ Locality conducts final QA/QC Review
- ☐ ☐ Contract documents submitted to project coordinator for submission to Civil Rights Division for goal setting review
- ☐ ☐ Contract prepared including all applicable specifications and federal provisions
- ☐ ☐ Final plans, specifications, and estimate submitted to VDOT for review and approval by the VDOT District Office and Central Office Scheduling and Contract Division
- ☐ ☐ ***Submit Federal Criteria Sheet and Cost Summary Estimate (Appendix N)***
- ☐ ☐ ***NEPA document re-evaluation (PS&E re-evaluation EQ-200 completed by VDOT District Environmental Manager***
- ☐ ☐ Environmental Certification (EQ-103) completed by VDOT District Environmental Manager
- ☐ ☐ Written authorization to proceed with project advertisement received from VDOT

### Advertisement and Construction Phase

- ☐ ☐ Project publicly advertised for a minimum of 3 weeks
- ☐ ☐ Bids received and read publicly
- ☐ ☐ Bids verified for accuracy; low bidder identified
- ☐ ☐ Bid information, including bid tabulation, cost summary based on Contractor's Bid and letter of recommendation from locality submitted to VDOT
- ☐ ☐ Contract awarded by the Commissioner or CTB at their monthly meeting; generally the third Thursday of each month
- ☐ ☐ Written authorization to proceed with construction received from VDOT
- ☐ ☐ Construction contract awarded to low bidder
- ☐ ☐ Signed contract submitted to the project coordinator
- ☐ ☐ Establish project in Dashboard LAP
- ☐ ☐ Coordination meeting with VDOT prior to start of construction
- ☐ ☐ Pre-Construction meeting with selected contractor
- ☐ ☐ Form C-5 submitted to VDOT once construction begins

## APPENDIX E

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Change Orders submitted to VDOT Residency as applicable                                |
| <input type="checkbox"/> | <input type="checkbox"/> | Final inspection scheduled with VDOT Area Construction Engineer                        |
| <input type="checkbox"/> | <input type="checkbox"/> | Submittal of "as-built" documentation to VDOT  |
| <input type="checkbox"/> | <input type="checkbox"/> | Project received final acceptance from VDOT and a completed Form C-5 submitted to VDOT |

### VDOT Contacts

**VDOT Project Coordinator:** \_\_\_\_\_

**VDOT District Environmental Manager:** \_\_\_\_\_

**VDOT Residency Contact or Urban Program Manager:** \_\_\_\_\_

**Locality Project Manager:** \_\_\_\_\_

Date checklist provided to locality from Project Coordinator:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Date checklist completed by Locality Project Manager

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Once the checklist has been completed a copy shall be filed with the Project File**

APPENDIX F

URBAN CONSTRUCTION PROGRAM

(SAMPLE PROJECT RESOLUTION)

**PROJECT PROGRAMMING RESOLUTION**

WHEREAS, in accordance with Virginia Department of Transportation construction allocations procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City/Town of \_\_\_\_\_;

NOW THEREFORE BE IT RESOLVED, that the Council of the City/Town of \_\_\_\_\_, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement of \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, a distance of approximately \_\_\_\_\_. (or describe other type of project; such as bridge, signals, etc.)

BE IT FURTHER RESOLVED, that the Council of the City/Town of \_\_\_\_\_ hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City/Town of \_\_\_\_\_ subsequently elects to cancel this project, the City/Town of \_\_\_\_\_ hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation. Be it further resolved that the Mayor or city/town manager is authorized to execute any agreements to advance this project.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
City/Town of \_\_\_\_\_, Virginia

ATTEST

\_\_\_\_\_  
Clerk of Council

BY \_\_\_\_\_  
Mayor/Manager

## **Environmental Requirements**

### **Purpose**

The purpose of these requirements is to comply with all applicable state and federal laws, regulations, and Executive Orders related to the environment. As part of the agreement localities have signed with VDOT, the localities are responsible for complying with all environmental laws and regulations that apply during project development. These laws and regulations vary depending on the scope of project impacts, the funding source, and other issues.

Information regarding environmental regulations, laws, and Executive Orders is available at: [www.virginiadot.org/business/environmental\\_requirements\\_local.asp](http://www.virginiadot.org/business/environmental_requirements_local.asp). Please monitor this site for new information related to environmental laws, regulations, and VDOT requirements.

Locality Project Managers should routinely consult with VDOT Project Coordinators to ensure all necessary procedural milestones are successfully met. Failure to adequately address all environmental requirements can jeopardize state and federal financial participation in a project.

### **Contacts**

The localities primary point of contact will be through VDOT's assigned Project Coordinator. The VDOT Project Coordinator will be responsible for coordinating all aspects of the project with the Locality Project Manager and the VDOT Project Team members, including VDOT District Environmental staff.

## **General Project Administration Requirements**

(Both federal-aid and state funded projects)

### **A. Locality Shall:**

1. Be responsible for including the project in a Long Range Plan and Transportation Improvement Program that has been analyzed for air quality conformity (if in a non-attainment or maintenance area for air quality).
2. Meet with VDOT personnel (and other agency personnel at the Division's discretion) prior to selection of a consultant or the commitment of any resources to scope the project, discuss the environmental clearances necessary and the procedure for submitting these environmental clearances to the VDOT Project Coordinator.
3. Use qualified staff or consultant services to manage the environmental process.
4. Provide VDOT Project Coordinator and Environmental Division an opportunity to review and comment on the completeness of the scope of work for the environmental study before a contract is executed.
5. Schedule meetings with VDOT Project Coordinator and Project Team Members at appropriate milestones in the study as identified during scoping to review study progress and adequacy.
6. Provide all requests to VDOT Environmental Project Coordinator for technical and coordination assistance.

7. Provide VDOT Project Coordinator with copies of all technical studies, reports, and project correspondence related to environmental coordination.

**B. VDOT Shall:**

1. VDOT Project Coordinator and District Environmental Manager will review and comment to the locality on the completeness of the environmental scope of work.

**Phase Specific Project Administration Requirements (Separated by Federal and State Funded Projects)**

The following sections are split by first funding source (federal or state), then phase (PE, RW, Construction) and party (VDOT or Locality) – with a description of when a particular section is to be used to describe the specific environmental activities that each party will be responsible for.

**Federal-Aid Project Environmental Requirements:**

**I. Preliminary Engineering Performed by Local Government**

**A. Locality Shall:**

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
3. Prepare and submit an electronic copy of the [National Environmental Policy Act](#) (NEPA) [Concurrence form](#) to VDOT Project Coordinator.
4. Prepare the NEPA document:
  - a) Provide VDOT Project Coordinator with a proposed project-specific public involvement plan prior to public involvement activities. This plan will demonstrate compliance with all items identified in the *VDOT Location and Design Public Involvement Policy and Procedures* [Manual](#) as required by environmental regulation. The public hearing notice shall include all appropriate references to environmental notifications such as NEPA document availability, compliance with the National Historic Preservation Act, and compliance with the Agricultural and Forestal District Act.
  - b) Provide VDOT Project Coordinator with a copy of the public hearing transcript and responses to comments on the environment with the review copy of the [environmental document](#).
  - c) Provide VDOT Project Coordinator with an electronic preliminary review draft of the environmental document: Programmatic Categorical Exclusion ([PCE](#)), Categorical Exclusion ([CE](#)), Draft Environmental Assessment ([DEA](#)), Draft Environmental Impact Statement ([DEIS](#)), Final EA, or Final EIS.
  - d) Provide VDOT Project Coordinator with copies of all technical study documents that support the environmental document. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
  - e) Provide VDOT Project Coordinator with the appropriate number of copies of the approved environmental document as identified during project scoping.
5. If the locality will be conducting archaeological investigations on State controlled R/W, a [Virginia Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.

## APPENDIX G

6. Implement the NEPA commitments identified in the environmental document pertaining to project development (as well as environmental commitments made related to any other law, regulation or Executive Order).
7. Provide VDOT an opportunity to participate as a consulting party in any [Memorandum of Agreement](#) developed and executed in compliance with the [National Historic Preservation Act](#).
8. Prepare any post-NEPA documentation required by changes that occur during the development of the project.
9. Design project in accordance with Virginia [Erosion and Sediment Control](#) law and regulations, Virginia [stormwater management](#) law and regulations, Virginia [Pollutant Discharge Elimination System](#) permits and [Chesapeake Bay Preservation Act](#).
10. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
11. Complete Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and submit to VDOT Project Coordinator.
12. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
13. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form ([EQ-121](#)) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.
14. Present [noise findings](#) to VDOT Noise Abatement Committee as appropriate.

### B. VDOT Shall:

1. Perform the administrative portion of the SERP.
2. Provide the SERP [PEI](#) to the Locality Project Manager.
3. Recommend level of NEPA documentation, in consultation with FHWA, during the Scoping Meeting to the Project Team for compilation of the NEPA concurrence form. Upon receipt of the NEPA Concurrence form from the VDOT Project Coordinator, the District Environmental Manager will coordinate with the lead Federal agency after review and solicit their participation in the study. This will entail notifying the federal agency of the project development milestones and inviting the federal agency to attend key meetings.
4. Review and comment to the VDOT Project Coordinator on the NEPA document compilation by the Locality.
5. Coordinate with the lead federal agency to publish the notice of intent in the case of Environmental Impact Statements (EIS).
6. Review the following items to ensure compliance with applicable federal and state requirements:
  - a) Verify the project's compliance with the Department's public involvement procedures as outlined in *The VDOT Location and Design Public Involvement Policy and Procedures* [Manual](#) as it relates to environmental requirements for public involvement.
  - b) Review the preliminary environmental document, provide comments to the Locality, and, as appropriate, coordinate with the Federal Highway Administration (FHWA).
  - c) Indicate state acceptance of the environmental document by signing and adopting the document as a VDOT product.
  - d) Recommend lead federal agency approval of the environmental document.
7. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and copies of water quality permits from municipality.



## APPENDIX G

8. Receive copy of signed Hazardous Materials Due Diligence form ([EQ-121](#)) from municipality.
9. Review locality's [noise findings](#) through VDOT's Noise Abatement Committee as appropriate.
10. Conduct a Right-of-Way Re-evaluation ([EQ-201](#) upon initiation by VDOT Project Coordinator) after design approval and prior to Right-of-Way purchase authorization from FHWA. This will ensure Right-of-Way plans are consistent with the NEPA document.

### II. Right-of-Way Acquired by Local Government

#### A. Locality Shall:

1. Perform necessary hazardous materials work and provide a signed copy of the "Hazardous Materials Due Diligence Certification ([EQ-121](#)) form to VDOT Project Coordinator.
2. Acquire R/W necessary to accommodate noise abatement, as per VDOT Noise Abatement Committee decision.

#### B. VDOT Shall:

1. Receive signed copy of "Hazardous Materials Due Diligence Certification" form from the Locality Project Manager to the VDOT District Environmental Manager.

### III. Construction Administered by Local Government

#### A. Locality Shall:

1. Implement SERP construction commitments.
2. Implement all NEPA construction commitments.
3. Implement all water quality permit conditions.
4. Implement construction in accordance with approved [Erosion and Sediment Control](#) plan and [stormwater management](#) plan.
5. Have on-site construction inspector with Virginia Department of Conservation and Recreation [Erosion and Sediment Control inspector certification](#). Perform an Erosion and Sediment Control inspection every two weeks (minimum).
6. Make the necessary [notifications](#) to US Environmental Protection Agency for any "improvements" made to sinkholes to facilitate storm water drainage.
7. Include in the contract documents and enforce all special provisions and specifications related to the environment.

#### B. VDOT Shall:

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the Environmental Certification Checklist ([EQ-103](#)) and the PS&E Re-evaluation form ([EQ-200](#); upon initiation by VDOT Project Coordinator). This will ensure plans, specifications, and estimates on plans are consistent with the scope of the NEPA document and all commitments. This will allow FHWA to approve the plans, specifications, and estimates for advertisement.
2. Monitor the project in accordance with the Department's Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP and NEPA are implemented.

### State Funded Project Requirements:

**I. Preliminary Engineering Performed by Local Government**

**A. Locality Shall:**

1. Prepare and submit an electronic copy of the completed [Early Notification form](#) (EQ-429; see Appendix E) to begin the [State Environmental Review Process](#) (SERP) and any other necessary information to the VDOT Project Coordinator regarding the scope of the proposed project.
2. Implement the environmental commitments identified in the SERP Preliminary Environmental Inventory form ([PEI](#)) pertaining to the development of the project.
  - a) Provide VDOT Project Coordinator with a copy of all technical reports prepared to address environmental commitments. Also provide copies of all project-related correspondence. This will allow VDOT to certify that all environmental requirements have been met prior to advertisement and construction.
3. If the locality will be conducting archaeological investigations on State controlled R/W, a [Virginia Antiquities Act permit](#) is required from the Virginia Department of Historic Resources prior to the investigations.
4. Provide VDOT an opportunity to participate as a consulting party in any [Memorandum of Agreement](#) developed and executed in compliance with the [National Historic Preservation Act](#).
1. Design project in accordance with Virginia [Erosion and Sediment Control](#) law and regulations, Virginia [stormwater management](#) law and regulations, Virginia [Pollutant Discharge Elimination System](#) permits and [Chesapeake Bay Preservation Act](#).
5. Secure all necessary water quality permits in the municipality's name and implement permit conditions, including but not limited to compensatory mitigation, project water quality monitoring, time of year restrictions, wildlife crossings, etc.
6. Complete Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and submit to VDOT Project Coordinator.
7. Perform Due Diligence assessment to determine the actual/potential presence of hazardous materials/wastes/substances for all properties to be acquired and/or used as R/W prior to the initiation of property acquisition.
8. Perform Due Diligence and Due Care activities identified in Due Diligence Certification form ([EQ-121](#)) and submit to VDOT Project Coordinator. Failure to perform Due Diligence and exert Due Care will result in the municipality assuming financial responsibility for any and all claims, demands, damages, losses, judgments, penalties, obligations, and liabilities (including without limitation, related reasonable legal and consulting fees and expenses) arising out of, or relating to, any pre-existing contamination to properties that constitute R/W for the project; and release the Commonwealth from and against any and all claims for contribution under CERCLA, and/or any other environmental law or regulation.

**A. VDOT Shall:**

1. VDOT District Environmental Manager will perform the administrative portion of the SERP.
2. VDOT District Environmental Manager will provide the SERP [PEI](#) to the VDOT Project Coordinator. The VDOT Project Coordinator will provide the PEI to Locality Project Manager.
3. At the request of the VDOT Project Coordinator, the District Environmental Manager will provide technical guidance to the Locality Project Manager in the preparation of technical studies.
4. Receive copy of signed Water Quality Permits and Natural Resource Due Diligence Certification form ([EQ-555](#)) and copies of water quality permits from the locality.
5. Receive copy of signed Hazardous Materials Due Diligence form ([EQ-121](#)) from the locality.

**II. Right-of-Way Acquired by Local Government**

**A. Locality Shall:**

## APPENDIX G

1. Perform necessary hazardous materials work and provide a signed copy of the “Hazardous Materials Due Diligence Certification” (EQ-121) form to VDOT Project Coordinator ([EQ-121](#)).

### **B. VDOT Shall:**

9. VDOT Project Coordinator will forward signed copy of “Hazardous Materials Due Diligence Certification” ([EQ-121](#)) from the Locality Project Manager to the VDOT District Environmental Manager.

## **III. Construction Administered by Local Government**

### **A. Locality Shall:**

1. Implement SERP construction commitments.
2. Implement all water quality permit conditions.
3. Implement construction in accordance with approved [Erosion and Sediment Control](#) and [stormwater management](#) plan.
4. Have on-site construction inspector with Virginia Department of Conservation and Recreation [Erosion and Sediment Control inspector certification](#). Perform an Erosion and Sediment Control inspection every two weeks (minimum).
5. Make the necessary [notifications](#) to US Environmental Protection Agency for any “improvements” made to sinkholes to facilitate storm water drainage.
6. Include in the contract documents and enforce all special provisions and specifications related to the environment.

### **B. VDOT Shall:**

1. Prior to approval for advertisement and construction, the VDOT District Environmental Manager will complete the Environmental Certification Checklist ([EQ-103](#) initiated by VDOT Project Coordinator).
2. Monitor the project in accordance with the Department’s Environmental Monitoring Standard Operating Procedures to ensure environmental commitments identified as a result of SERP are implemented.

## VDOT Publications for Project Development

The following manuals and policies are available from VDOT. Many can be viewed at [www.virginiadot.org](http://www.virginiadot.org) using the “business networks” tab.

### **VDOT Road and Bridge Standards**

<http://www.virginiadot.org/business/locdes/road-and-bridge-standards.asp>

### **VDOT Road and Bridge Specifications**

<http://www.virginiadot.org/business/const/spec-default.asp>

### **VDOT Instructional and Informational Memoranda**

<http://www.virginiadot.org/business/locdes/rd-ii-memoranda-index.asp>

### **VDOT Road Design Manual**

<http://www.virginiadot.org/business/locdes/rdmanual-index.asp>

### **VDOT Public Involvement Policy & Procedure Manual**

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/Public%20Involvement%20Manual/Public-Involvement-Manual.pdf>

### **VDOT Drainage Manual**

<http://www.virginiadot.org/business/locdes/hydra-drainage-manual.asp>

### **VDOT CADD Manual**

<http://www.extranet.vdot.state.va.us/locdes/caddman/html/frameset.htm>

### **VDOT Survey Manual**

<http://www.virginiadot.org/business/locdes/manual-survey-index.asp>

### **VDOT Traffic Engineering Design Manual**

<http://www.virginiadot.org/business/locdes/traffic-engineering-manual.asp>

### **VDOT Manuals of the Structure and Bridge Division – Volume V Series**

<http://www.virginiadot.org/business/bridge-engineering.asp>

### **VDOT Materials Manual**

<http://www.virginiadot.org/business/resources/bu-mat-MANUAL2004.pdf>

### **VDOT Post Construction Manual**

[http://www.virginiadot.org/business/const/resources/pc\\_manual.pdf](http://www.virginiadot.org/business/const/resources/pc_manual.pdf)

### **VDOT Underground Utilities Policy**

<http://www.virginiadot.org/projects/resources/UrbanManual.pdf>

### **VDOT Lighting Policy**

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM231.pdf>

**Policy for Integrating Bicycle and Pedestrian Accommodations**

<http://www.virginiadot.org/infoservice/resources/draft%20bikeped%20plan.pdf>.

**VDOT Inspection Manual**

<http://www.virginiadot.org/business/const/resources/Inspection%20Manual.pdf>

**VDOT Manual of Instructions, Right of Way and Utilities Division**

Please contact Right of Way and Utilities Division for further information

**VDOT Landscaping Procedures**

Please contact Location & Design Division for further information

**VDOT Construction Manual**

<http://www.virginiadot.org/business/const/resources/2005%20Construction%20Manual.pdf>

**2005 Manual for the Procurement of Professional Services**

<http://www.vdot.virginia.gov/business/resources/gpmpps.pdf>

**Urban Manual**

<http://www.virginiadot.org/projects/resources/UrbanManual.pdf>

**Enhancement Program Procedures Manual**

[http://www.virginiadot.org/projects/resources/2005\\_EnhancementManual%20\\_3\\_.pdf](http://www.virginiadot.org/projects/resources/2005_EnhancementManual%20_3_.pdf)

**DEPARTMENT OF TRANSPORTATION**  
**INTER-DEPARTMENTAL MEMORANDUM**  
**DESIGN EXCEPTION REQUEST**

To: \_\_\_\_\_ Date: \_\_\_\_\_

From: \_\_\_\_\_

Subject: DESIGN EXCEPTION REQUEST

Prepared by: \_\_\_\_\_

State Project Number: \_\_\_\_\_ Federal Project Number: \_\_\_\_\_

County/City: \_\_\_\_\_ District: \_\_\_\_\_ Funding Source: \_\_\_\_\_

Description: \_\_\_\_\_ PPMS # \_\_\_\_\_

Design Exception Request For:

_____ Design Speed	_____ Horizontal Clearance* (other than "clear zone")	_____ Vertical Clearance*
_____ Bridge Width*	_____ Horizontal Alignment	_____ Vertical Alignment
_____ Lane Width	_____ Sight Distance	_____ Cross Slope
_____ Shoulder Width	_____ Superelevation	_____ Grade
_____ Structural Capacity*	_____ <b>Interstate Access Control</b>	_____ Other

\* These are typically requested by the Bridge designer.

**Current ADT** \_\_\_\_\_ **Design ADT** \_\_\_\_\_

% Trucks \_\_\_\_\_ Design Speed \_\_\_\_\_ **VIII. Posted Speed** \_\_\_\_\_

Reduced Design Speed (if applicable) \_\_\_\_\_

Functional Classification \_\_\_\_\_

Minimum Design Standard \_\_\_\_\_ **Requested Dimensions** \_\_\_\_\_

**Total estimated construction cost of project:** \_\_\_\_\_  
 (Based on approval of this exception)

**Additional cost to meet minimum standard:** \_\_\_\_\_

Background description of project:

(Include a description of the general characteristics of the existing highway focusing on the features relevant to the proposed exception. Provide a brief description of the adjacent highway segments, highlighting existing nonstandard features when relevant to the proposed exception.)

## APPENDIX I

Purpose and need for exception, Why standards cannot be met:  
(include any future plan to upgrade this exception to standard)

Accident history for the past 3 years:

Effect of design exception on safety:

Any mitigation of the substandard design element (s):

---

Submitted By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

Recommended for Approval By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

VDOT Approval By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Location and Design Engineer

VDOT Approval By: \_\_\_\_\_ Date: \_\_\_\_\_  
State Structure and Bridge Engineer

FHWA Approval By: \_\_\_\_\_ Date \_\_\_\_\_

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Project: \_\_\_\_\_  
UPC ID: \_\_\_\_\_

[RIGHT OF WAY AND UTILITIES REVIEW CHECKLIST TO](#)  
CONFIRM INCLUSION OF THE FOLLOWING ON RIGHT OF WAY PLANS:

**NOTE:** INDIVIDUAL LANDOWNERS ARE YET TO BE CONTACTED. CONTACT MAY RESULT IN FUTURE REVISIONS TO SUCH ITEMS AS LANDOWNER NAMES, PROPERTY LINES, TOPOGRAPHY AND REVISIONS IN DESIGN TO MITIGATE IMPACTS TO INDIVIDUAL PROPERTIES. IF NOT APPLICABLE, PLEASE LEAVE YES AND NO BOXES BLANK AND INDICATE N/A UNDER COMMENTS.

1. Termini correct and agree with PPMS

☐ YES      ☐ NO

Comments:

2. Right of Way Data Sheet

☐ YES      ☐ NO

Comments:

3. Plan note worded as "These plans are unfinished and are not to be used for any type of construction."

☐ YES      ☐ NO

Comments:

4. Property owners' names, deed reference and acreage

☐ YES      ☐ NO

Comments:

5. Parcel numbers, D-numbers, Sign numbers

☐ YES      ☐ NO

Comments:

6. Existing right of way and/or prescriptive easement shown

☐ YES      ☐ NO

Comments:

7. Existing utilities identified and located and utility companies listed on Sheet 3

☐ YES      ☐ NO

Comments:



Project: \_\_\_\_\_  
UPC ID: \_\_\_\_\_

8. Topography (i.e., property and lot lines, cemeteries, septic systems, wells, landscaping, fences, above ground improvements, underground storage facilities, etc.)

☐ YES ☐ NO

Comments:

9. Affected structures and other improvements clearly located and identified, including those beyond the project limits but impacted by the acquisition

☐ YES ☐ NO

Comments:

10. Entrances (existing and proposed entrances, including alignments, grades and impact)

☐ YES ☐ NO

Comments:

11. Prior recommendations by Right of Way and Utilities Division have been incorporated in the plans

☐ YES ☐ NO

Comments:

12. Proposed right of way and proposed easements, including utility easements

☐ YES ☐ NO

Comments:

13. Metes and bounds surveys furnished for proposed rights of way/easements on properties as required for special properties (refer to *Design Manual* for specific section that addresses this issue)

☐ YES ☐ NO

Comments:

14. Mitigation/storm water management areas identified during scoping/PFI and Public Hearing are clearly labeled (this should be verified with the Environmental Division)

☐ YES ☐ NO

Comments:

15. Sound wall assessment complete and walls/easements located on plans (this should be verified with the Environmental Division)

☐ YES ☐ NO

Comments:

Project: \_\_\_\_\_  
UPC ID: \_\_\_\_\_

16. Traffic control/signalization right of way/easements and roadway lighting identified (this should be verified with the Traffic Engineering Division)

☐ YES ☐ NO

Comments:

17. Entire property is shown for purchase of residue

☐ YES ☐ NO

Comments:

18. Total take/total acquisition properties shown in their entirety

☐ YES ☐ NO

Comments:

19. Proffers and dedications indicate on plans (Land Development review)

☐ YES ☐ NO

Comments:

**CRITERIA CHECKLIST FOR CONTRACT LETTING OR ADVERTISEMENT**

Date

District Administrator

District Address

Project Number

City

Subject: Project Certification

Dear District Administrator:

Reference is made to the master agreement between the {locality} \_\_\_\_\_ and the Virginia Department of Transportation (VDOT) dated \_\_\_\_\_. This project consists of: (complete description from beginning to end of the location and the type of project, i.e. relocation of families and businesses, curb and gutter, intersection improvement, etc.)

This will certify that all right of way has been obtained and that the locality has legal right of entry onto each and every parcel for the advertisement and construction of Project \_\_\_\_\_.  
(**OR:** This will certify no additional right of way is required for Project \_\_\_\_\_.)

Also, this will certify that utility conflicts on the above project have been adjusted. (**OR:** There are no known utility conflicts on this project. **OR:** Utility conflicts on the above project will be adjusted by the advertisement date, (date). **OR:** Utility work that is to be performed during highway construction will be covered by a special provision or utility plan inclusion in the contract assembly.)

All displacees have been offered comparable, decent, safe, and sanitary housing within their financial means open to all persons regardless of race, color, religion, sex or national origin. Also, all displacees were informed of the amount of supplemental payments available to them and provided sufficient time to negotiate for and obtain possession of housing. (**OR:** No persons, businesses or nonprofit organizations were displaced by the right of way acquisition for this project; therefore, relocation assistance was not required.)

There are no railroads affected by the proposed construction. (**OR:** The railroad agreement has been secured.

All buildings are vacant and available for removal by the road contractor. (**OR:**, There are no buildings affected by the proposed construction.)

In addition, to the best of our knowledge, there are no contaminants within the soil on the right of way within the referenced project limits.

Further, all the right of way was acquired in accordance with VDOT Right of Way and Utilities Manuals of instruction. Any exceptions have been previously approved in writing by VDOT. (If Federal Funds participate in this project, reference to FHWA requirements should also be included.)

## APPENDIX K

Locality Representative

---

Date

Attachments: EQ-103 (attached by VDOT Project Coordinator)  
Construction Checklist (Criteria for Construction Authorization)

**LOCALITY CERTIFICATION**  
**PROCESS VERIFICATION**

Right of way obtained by. (If by Consultant, required procurement procedures were followed.)

STAFF \_\_\_\_\_ CONSULTANT \_\_\_\_\_

Appraisals Reviewed by Licensed Appraiser other than person performing the appraisal and approved for negotiations by \_\_\_\_\_,  
Title \_\_\_\_\_.

YES \_\_\_\_\_ NO \_\_\_\_\_

Owners provided copy of approved Appraisal and Certified Title Report showing all persons with interests in land and all lien holders.

YES \_\_\_\_\_ NO \_\_\_\_\_

Plans fully explained to owner including profiles, if applicable, and copies given to owner.

YES \_\_\_\_\_ NO \_\_\_\_\_

If offer not accepted at first meeting, owner provided reasonable period to consider offer.

YES \_\_\_\_\_ NO \_\_\_\_\_

If offer refused, condemnation process was explained to owner.

YES \_\_\_\_\_ NO \_\_\_\_\_

Owners/Tenants fully informed of relocation benefits.

YES \_\_\_\_\_ NO \_\_\_\_\_ N/A \_\_\_\_\_

All displaced owners/tenants have been properly relocated and compensated in accordance with law

YES \_\_\_\_\_ NO \_\_\_\_\_

All environmental issues have been identified, addressed and resolved.

YES \_\_\_\_\_ NO \_\_\_\_\_

## APPENDIX L

### FEDERAL CRITERIA FOR CONSTRUCTION AUTHORIZATION

WORK TO BE ACCOMPLISHED BY:\_\_\_\_\_

**STATE PROJECT#:**\_\_\_\_\_

**FEDERAL PROJECT #:**\_\_\_\_\_

**UPC:**\_\_\_\_\_

I certify for the subject project the following critical items have been checked and that we are advertising Federal Aid Projects in accordance with Federal Aid Requirements.

1. Project construction estimate included in correct year of STIP/TIP (MPO) **YES**
2. **An approved environmental document and all identified environmental commitments have been included into the plans and proposals. YES**
3. All permits have been obtained. **YES or NONE** (circle one)
4. **All design is in accordance with appropriate design criteria. YES**
5. All Right of Way is clear. R/W Certificate\_\_\_\_\_dated\_\_\_\_\_(**mm/dd/yyyy**).
6. \_\_\_\_\_All Utility and Railroad relocations and certification have been included appropriately, or satisfactory arrangements have been made. **N/A or YES** (circle one)
7. The project meets the requirements of VDOT's Public Involvement Manual (approved by FHWA) in regards to the public hearing process. **YES**
8. All appropriate Federal Aid Project information, including Minimum Wage Rates and EEO provisions have been included. **YES**
9. Hazardous wastes have been identified when appropriate, and provisions are provided within the proposal for their safe disposal. **YES**

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**PROCUREMENT CHECK LIST****For items below, check if present**

1. \_\_\_\_\_ Specifications
2. \_\_\_\_\_ Bidders Mailing List
3. \_\_\_\_\_ List of Bids Received
4. \_\_\_\_\_ Original Bids Returned, including no bids: # \_\_\_\_\_
5. \_\_\_\_\_ Proposal Bond (AS-66)  
Signatures: Principal \_\_\_\_\_ Surety Agent \_\_\_\_\_
6. \_\_\_\_\_ Standard Performance Bond/Payment Bond
7. \_\_\_\_\_ Proof of Insurance Contractor's License Number \_\_\_\_\_
8. \_\_\_\_\_ Price Reasonableness Determination For One Bid
9. \_\_\_\_\_ Sole Source Documentation – Public Notice
10. \_\_\_\_\_ Emergency Documentation – Public Notice
11. \_\_\_\_\_ Late Bid Letters
12. \_\_\_\_\_ Unsigned Bid Letters
13. \_\_\_\_\_ Rejection Letters
14. \_\_\_\_\_ Addenda
15. \_\_\_\_\_ Bid Cancellation Letters

Signature \_\_\_\_\_

## Advertisement & Award for Construction

### **Projects Requiring Concurrence to Advertise & Award**

#### **Submittal for Review**

The following must be received by VDOT's Project Coordinator 60-90 days prior to advertisement.

- Bid Documents
- Estimate
- Complete set of plans

#### **Submission of Finalized Documents for Projects Requesting Concurrence to Advertise**

The locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contract Division **no less than 20 business days** prior to advertisement.

- Request for authorization to advertise the project
- Engineer's Estimate with Cost Summary
- Copy of the proposal
- Complete set of plans
- Certification of compliance with the Va. Procurement Code and Code of Federal Regulations
- ***FHWA Certifications (Appendix L)***

#### **Submission of Documents for Projects Requiring Concurrence to Award**

After receipt of bids the locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contracts **no less than 20 business days** prior to CTB Meeting.

- Narrative description of the project purpose. One paragraph in layperson's language
- Detailed explanation if recommending a bid for award if over the Engineer's Estimate
- Tabulation of contractor's prices with Engineer's Estimate
- Cost Summary based on the Contractor's Bid
- ***All Federally funded projects require FHWA concurrence to award prior to execution of project***

Italicized items apply only to federal projects



## APPENDIX N

### **Example of Cost Summary**

(Based on EE for advertisement) (Based on Contractor's bid for award)  
(CONFIDENTIAL, FOIA EXEMPT - when based on Engineer's Estimate)

City/County:

Route:

Project Number:

UPC Number:

Federal Number:

TYPE CODE	TOTAL COST	FHWA FUNDS	PERCENTAGE
	\$0.00	\$0.00	___ %
	\$0.00	\$0.00	___ %
TOTAL	\$0.00	\$0.00	

**Please consult with the Project Coordinator to determine the applicable TYPE CODE**

**Applicable Type Codes are available on the VDOT Scheduling and Contracting Web-site**  
**[http://www.virginiadot.org/business/const/resources/FHWA\\_Improvement\\_Type\\_Codes.pdf](http://www.virginiadot.org/business/const/resources/FHWA_Improvement_Type_Codes.pdf)**



## WORK ORDER

### VDOT CONCEPTUAL APPROVAL REQUEST

<b>TO:</b> VDOT – Area Construction Engineer Or Project Coordinator	<b>DATE:</b> _____ (MM-DD-YY)
<b>PHONE:</b> _____	<b>PAGES:</b> _____, incl. this sheet
<b>E-MAIL:</b> _____	<b>ORDER#</b> _____
<b>FAX #:</b> _____	<b>SUBJECT:</b> _____  _____  _____  _____
<b>FROM:</b> _____	
<b>VDOT PROJECT #:</b> _____	
<b>FHWA PROJECT #:</b> _____	

This is to provide you with information, as follows, for upcoming work that appears to have the potential for a Work Order (from proposed C-10):

(INSERT SCOPE OF WORK)

I would appreciate your review and comments, and like to have your conceptual approval of the need for the potential Work Order. Contractor's price quote will be forwarded to you, once this office reviews it. Please advise if you have any question. Thanks.

<b>VDOT RESPONSE:</b>  _____  _____  _____	<b>APPROVED</b>	
	<b>REJECTED</b>	
	<b>DATE:</b> _____	



# WORK ORDER

## VDOT PARTICIPATION APPROVAL REQUEST

<b>TO:</b> VDOT – Area Construction Engineer or Project Coordinator	<b>DATE:</b> (MM-DD-YY)
<b>PHONE:</b>	<b>PAGES:</b> , incl. this sheet
<b>E-MAIL:</b>	<b>ORDER#</b>
<b>FAX #:</b>	<b>SUBJECT:</b>
<b>FROM:</b>	
<b>VDOT PROJECT #:</b>	
<b>FHWA PROJECT #:</b>	

You provided VDOT's conceptual approval of this Work Order on XX-XX-XX.  
Attached herewith please find the price proposal that the contractor provided for  
the subject Work Order:

We have reviewed the prices at the project level.

(IF NEEDED MORE INFORMATION MAY BE ADDED IN THIS SPACE)

The result of his review of the price proposal is attached herewith for your  
information. If you have any questions, please advise.

I would appreciate your review of this package. Upon receipt of your concurrence  
to participate in this Work Order, I will generate Form C-10 to formally issue the  
Work Order to the contractor.

Thanks.

<b>VDOT RESPONSE:</b>	<b>APPROVED</b>	
	<b>REJECTED</b>	
	<b>DATE:</b>	